

# How to Form a Water and Sanitation District in New Mexico

## **Appendices**

July, 2006

*Compiled and Edited by*



NEW MEXICO  
ENVIRONMENTAL  
FINANCE CENTER

# Appendix A

## 1. Organizing

A. Research Powers and Limitations of W&S District

B. Research Advantages and Disadvantages of W&SD

C. Contact county and municipal entities

D. Prepare for Community Organization Meetings

## 2. Defining

A. Need for W&SD decided

Yes

No

B. Purpose of W&SD defined

Yes

No

C. Name chosen

Yes

No

D. Project description completed

Yes

No

E. Boundaries determined

Yes

No

Define the nature and extent of future development and benefits to residents

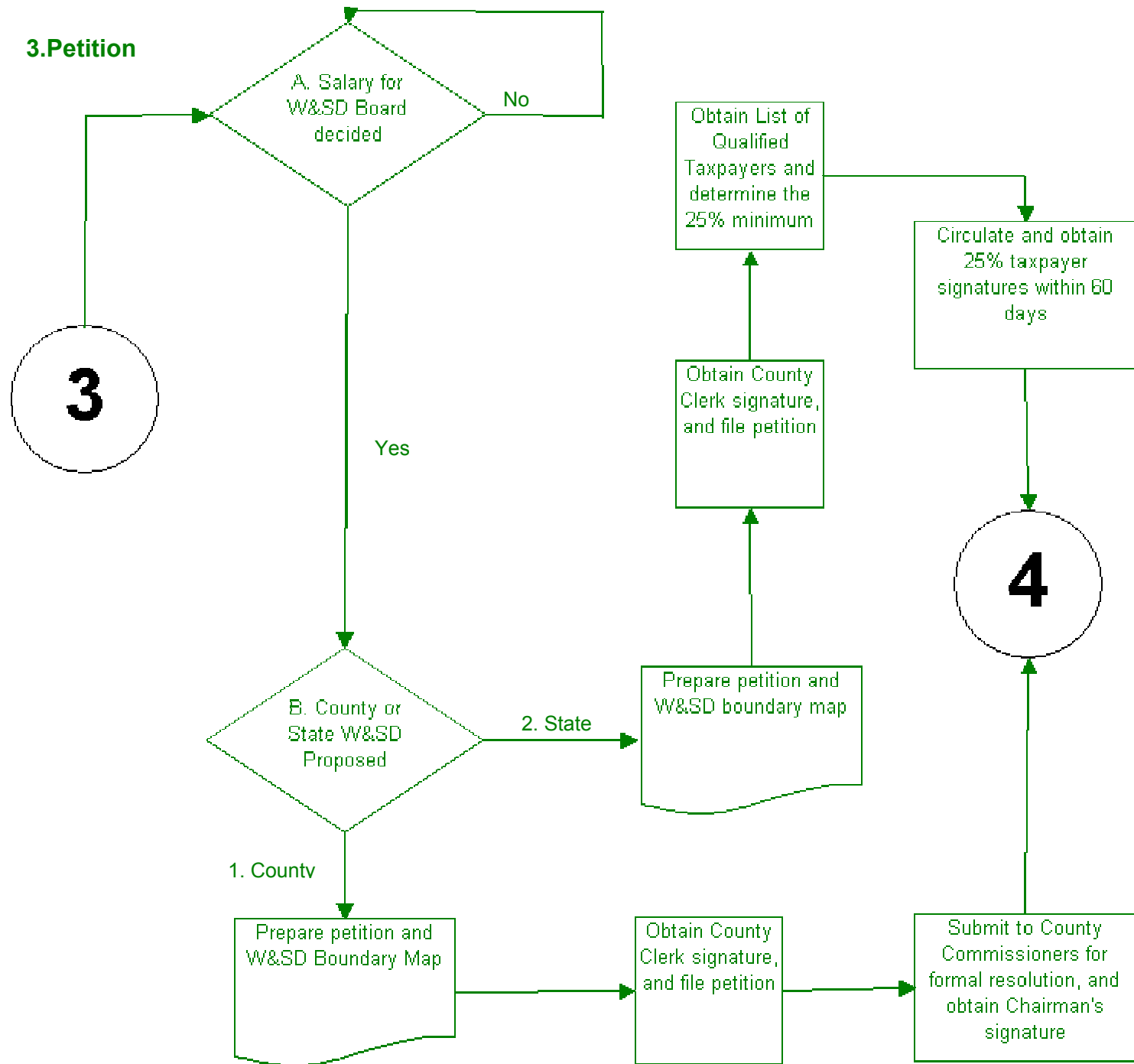
Define the nature and extent of proposed improvements and benefits to residents

Define cost, timetable, and extent of area needed for project

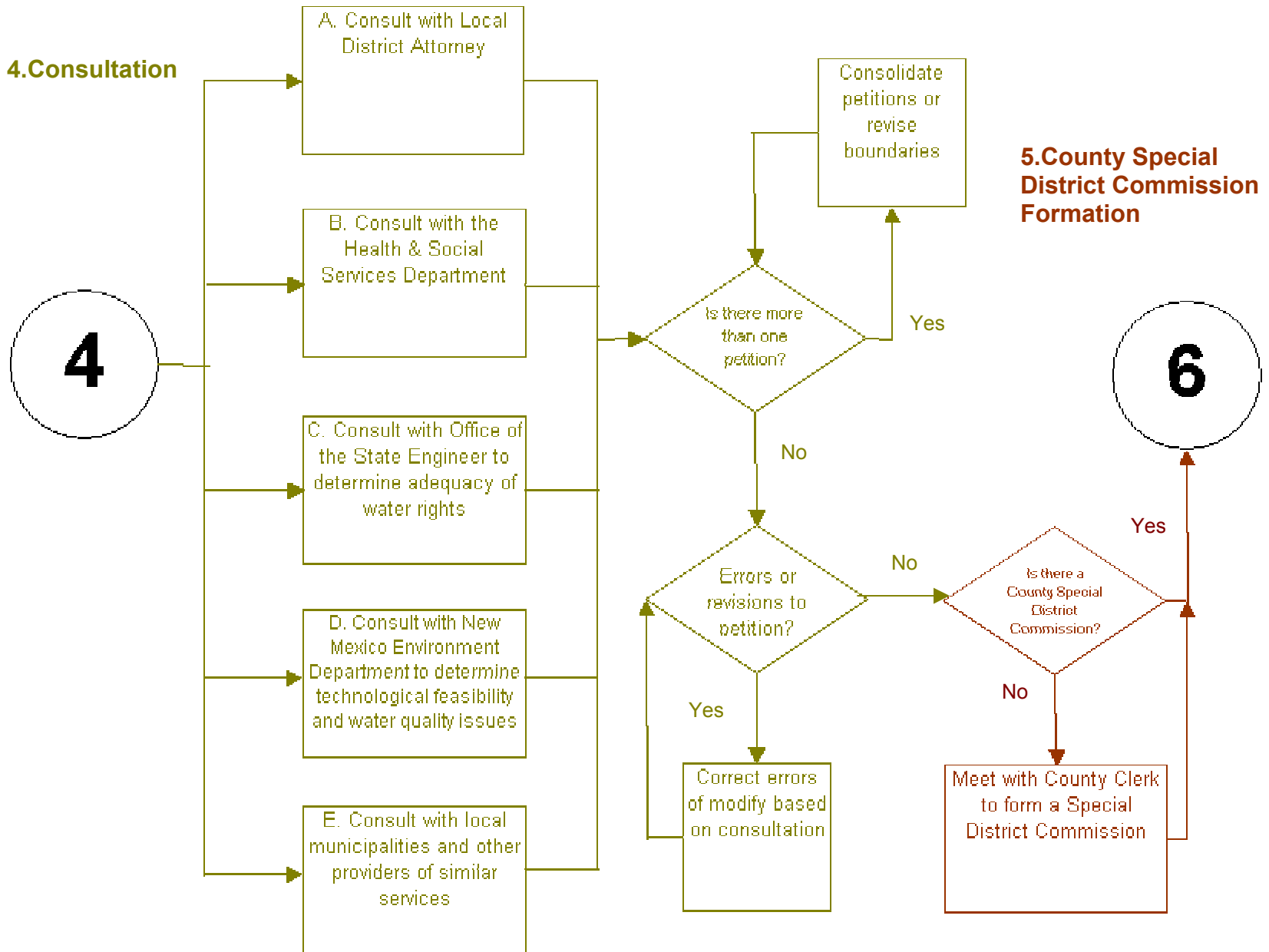
Contact County Clerk for a list of qualified taxpayers for the proposed W&SD

Determine if more than one county is in proposed boundary

3



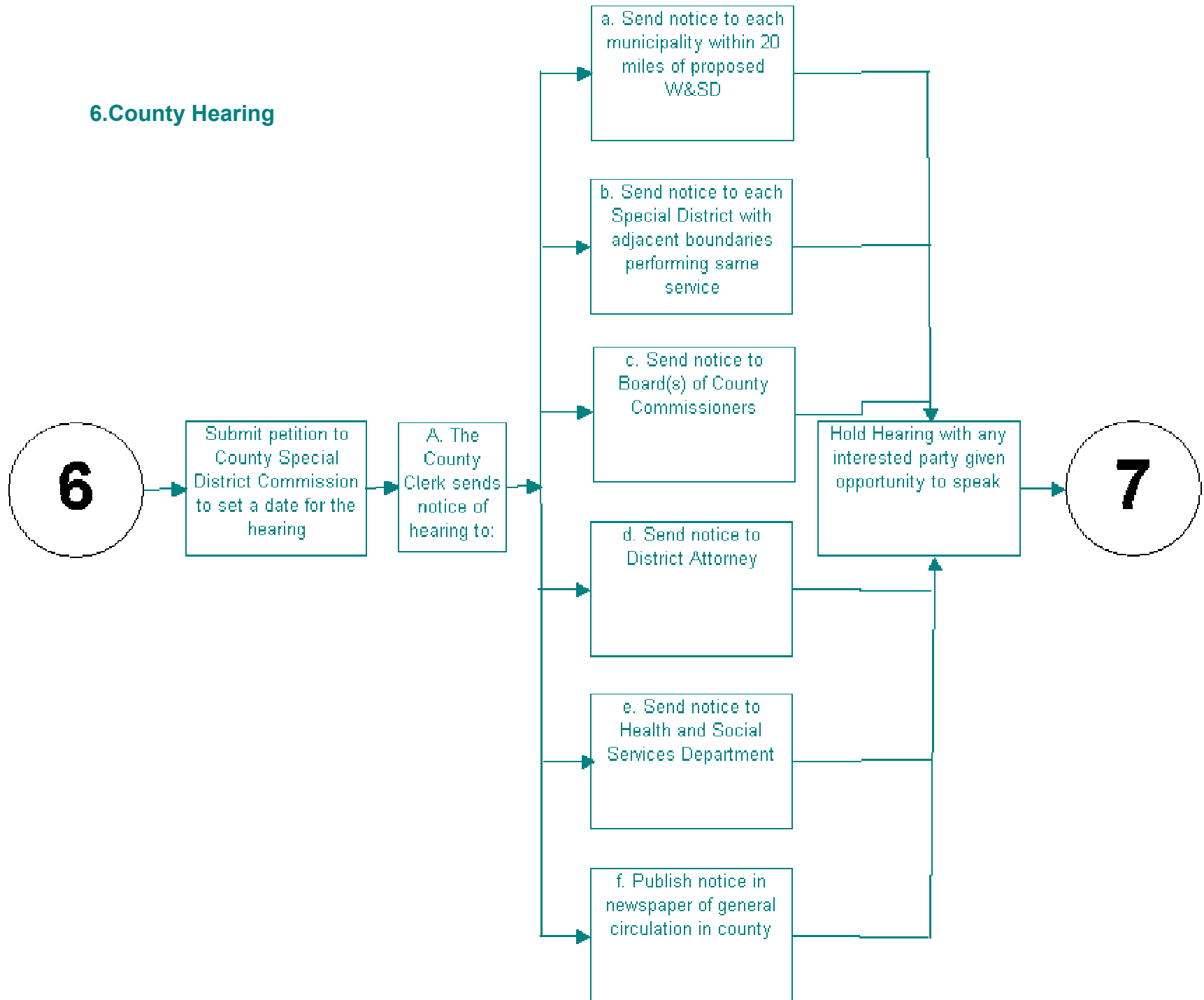
#### 4.Consultation



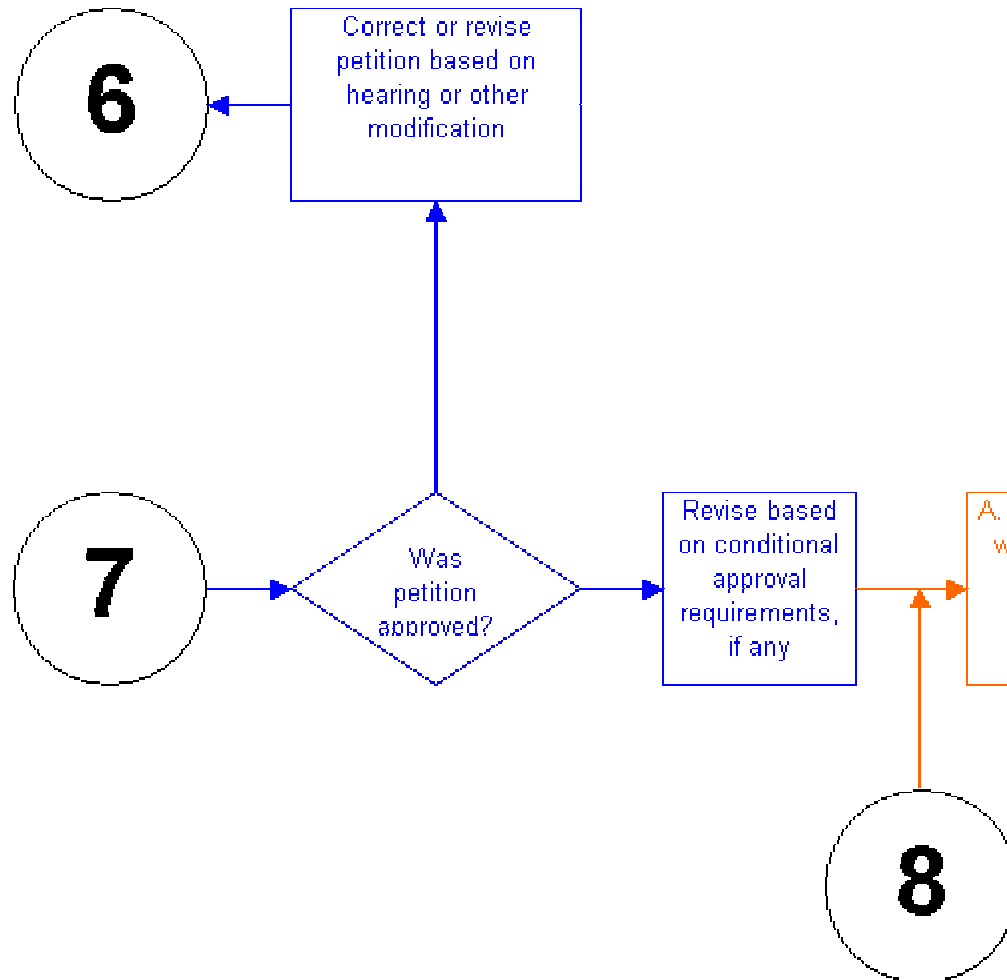
#### 5.County Special District Commission Formation

6

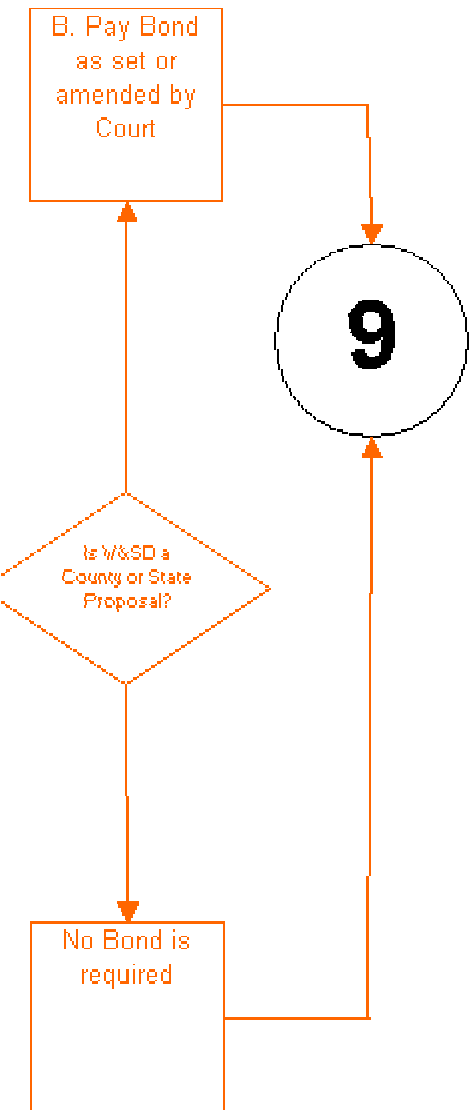
## 6.County Hearing



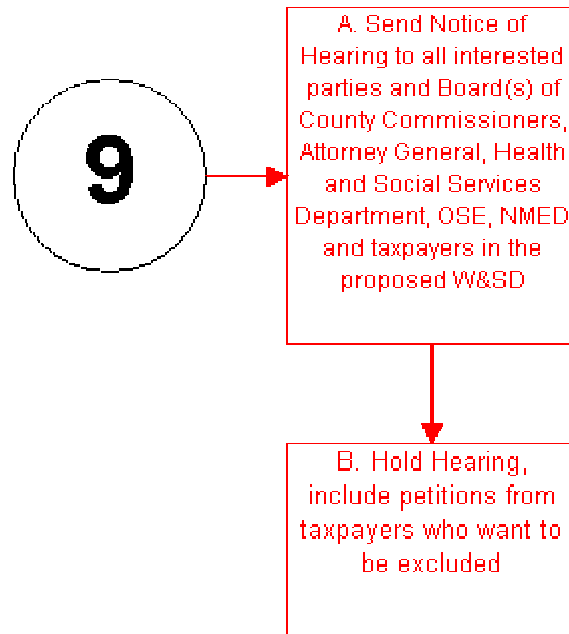
## 7. Petition Revisions



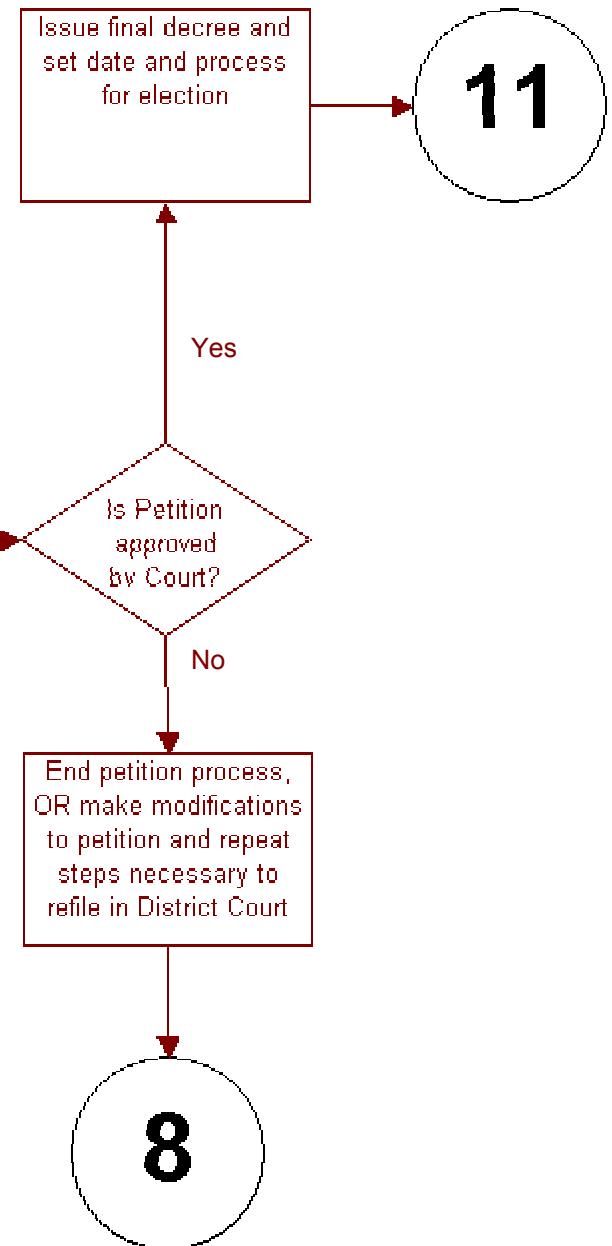
## 8. District Court Filing



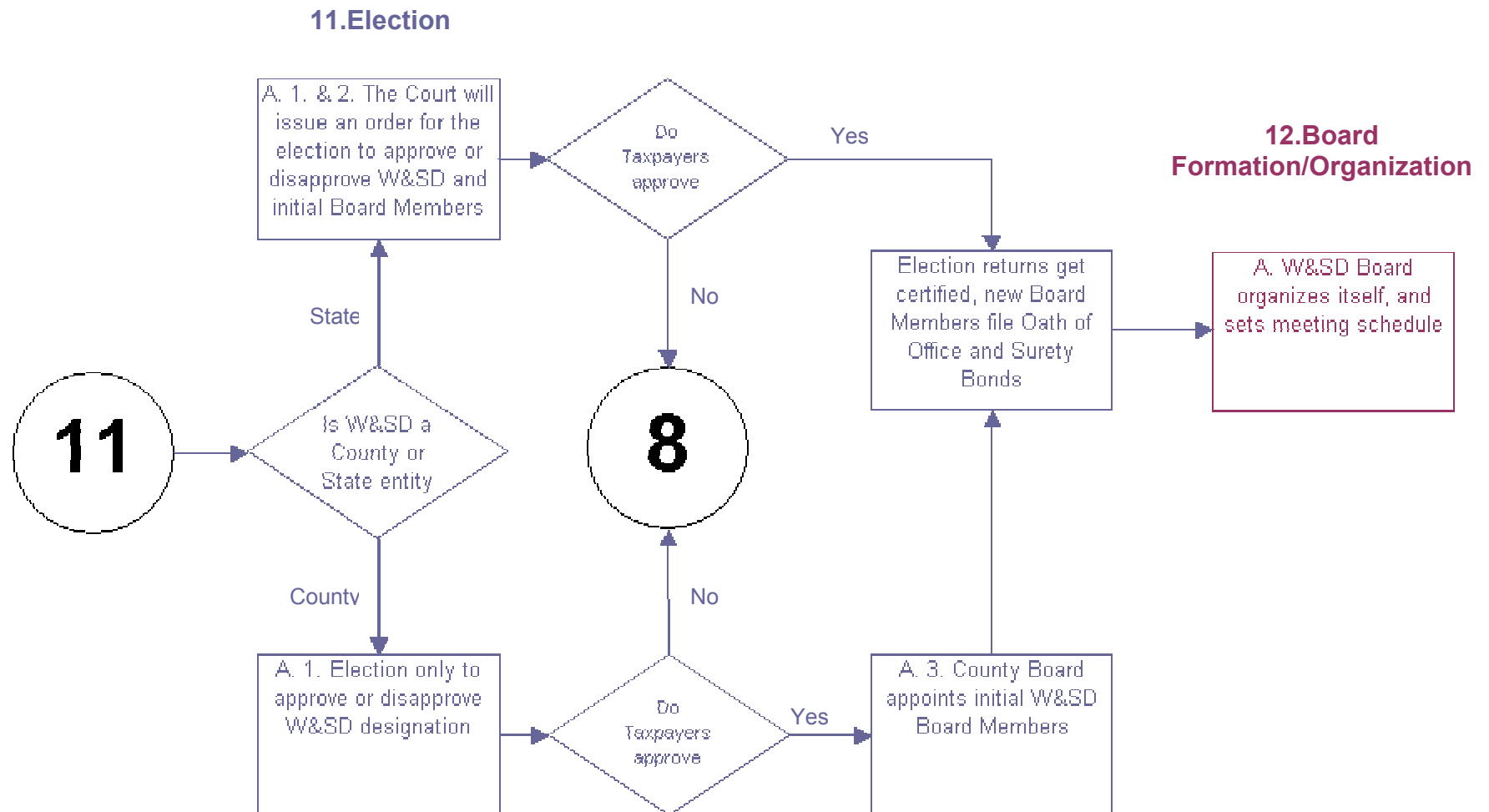
## 9.District Court Hearing



## 10.Petition Revision







# Appendix B

# COPPLER & MANNICK, P.C.

A PROFESSIONAL CORPORATION

FRANK R. COPPLER  
PAUL D. MANNICK  
GERALD A. COPPLER\*  
NANCY E. NICKERSON†  
JOHN L. APPEL

ATTORNEYS AND COUNSELORS AT LAW  
645 DON GASPAR AVENUE  
SANTA FE, NEW MEXICO 87505

TELEPHONE  
(505) 988-5656

TELECOPIER  
(505) 988-5704

October 14, 2004

\* also licensed in Texas  
† also licensed in California

## INTRODUCTION

The materials collected in this manual are intended to assist community groups in efforts to form a Water and Sanitation District in New Mexico. The procedures outlined in the statutes are at times confusing and to those not familiar with the process, perhaps unduly complicated. We attach a chart intended to help visualize the process.

What is attempted is to provide basic information that explains the process. The materials in Section I can be used to explain to County Clerks their role in the petition and election process. Section II contains a sample form petition to the back of which must be printed the map. Section III contains forms that may be modified for use in the Special District Commission approval process and Section IV contains similar material for use in moving through District Court and the election process. Section V contains forms that may be used to set up the ballot for approval of the District, declaration of candidacy for the initial District Board of Directors and the oath of office. Section VI contains materials helpful in future annexation proceedings. A more detailed table of contents precedes this information.

To assist in understanding the process of formation of a Water And Sanitation District the following is a checklist of steps that are required to be taken:

1. Defining the boundaries of the proposed District on a map or plat with sufficient specificity that a potential signer of the petition can with certainty look at it and decide whether his or her land is within or outside the boundaries.
2. Presentation of draft Petition to County Clerk, securing Clerk's signature and secure statement from the Clerk deciding how many signatures are necessary (the 25%). At the time this petition is presented send notices to the County and Municipalities within 20 miles so as to start the Special District Commission process – see tabs 1-9, Section III.
3. Securing the requisite number of signatures and presentation to the county special district commission.
4. After securing approval of the county special district commission, presenting the petition to the district court. At the time of filing the petition send notices

to all the state agencies – see tabs 5, 6, 7, and 8, of Section IV for sample notices.

5. Obtaining a hearing by the district court at which time any intervenors have the right to appear and contest the petition.
6. Securing an order from the district court authorizing an election on the question of organization of the district, such question to be submitted to the electors residing in the district.
7. Securing a majority vote of the resident voters in the district in favor of organization of the district.
8. Securing a certification of the election return from the judges of the election.
9. Filing the election return with the district court and securing an order from the district court declaring the district to be formed.
10. The action is then final unless an appeal to the court is filed within thirty days.

On first review of this handbook it may be thought that the law regarding District formation is unduly complicated and should be re-written by the Legislature. It should be kept in mind, however, that the clear policy underlying the procedures is that the Legislature intended the Community Petition, County Certification, Special District Commission, District Court and Voter Approval as much as possible to discourage formation of more local governmental bodies. The policy is to discourage a multiplicity of local governments with the consequent demands on public funds. The process is designed to assure that there is a clear need for formation of a District, that there is broad public support and that no municipality, county or existing special district is willing to step forth and provide the service on an acceptable basis. The hurdles that must be jumped are designed to impede formation of a new District. Thus, each step described, the community petition to show substantial interest, certification of the petition by the County, hearing by the Special District Commission, District Court hearing and finally, required approval by the voters in the District, is designed to slow down the process and cause the community to stop and think, do we really want this, is it necessary, what are the alternatives for providing this service? Mutual Domestic Water Consumers Associations are formed much easier. The problem is that they do not have the power to tax, the power of eminent domain (without state approval) and are not subject to many of the safeguards with respect to funds, process or accountability to the voters as are water and sanitation districts.

The reader will notice in the statutes reference to required bonds. The bond to pay expenses of the election can usually be satisfied by discussing this with the County Clerk. Depending on whether machines or ballots are used and on whether election judges and other workers are willing to serve for free, this will only amount to a few dollars. In most cases the Court will waive it if the County Clerk will pay the expenses out of the Clerk's election budget. In all past cases where it was not waived, the Court has accepted a cash deposit with the County Clerk and not required purchase of a commercial bond.

The corporate surety (faithful performance) bond required of board members may be purchased from District funds after formation of the District. It's not necessary to purchase such a bond until the District has the funds to do so but it is necessary to do so as soon as the first funds are available.

Note that provisions using the word "bonds" for election expenses or faithful performance are not in any way analogous to general obligation or revenue bonds referred to in other sections of the statutes. These are IOU's or debt instruments issued by a district to finance capital improvements for provision of services. The security for the former being the property taxes and they can only be issued on approval of a majority of voters. The latter is secured by water system revenues and can only be issued if the revenue is available and if approved by the District Board.

With respect to persons eligible to sign the petition the following should be kept in mind:

1. Those persons residing in the boundaries who are registered to vote, owning or purchasing real property under contract and obligated to pay taxes should be counted. Review of the real estate records for the number of owners or purchasers not District residents but who have mailing addresses in New Mexico should be done. Add a percentage of them to the count based on accepted statistics regarding the percentage generally of New Mexico property owners registered to vote in general elections in New Mexico.
2. Twenty five percent of the sum of 1 above would be sufficient if the petition were signed by the persons described in 1 above. Of course, if the petition is signed by a property owner taxpayer not a District resident, but who resides in New Mexico, a mechanism to assure they are a registered voter would be necessary. There is no easy way available to do this. As a last resort, a short form Affidavit signed by each such petitioner stating they are a New Mexico registered voter would do the trick.

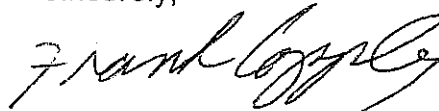
With respect to who may vote at the election on formation of the District, only those persons registered to vote residing in the District would be allowed to vote. The election is decided based on a majority of those voting, no extraordinary voting requirements are in the law.

In an attempt to keep this introduction shorter than the explanatory materials we have touched on the most important issues. In preparing documents it is important to read the statutes to make sure the documents fit the unique circumstances of each community contemplating going forth with the process of formation of a District.

This material is all work product of the Law Firm of Coppler & Mannick. None of the documents contained in this manual should be used as a basis for action to form or operate a District unless each is modified to conform to the specific facts or issues presented. Prior to use, the documents should be reviewed by a licensed attorney for legal sufficiency. If an individual or group determines to proceed pro se, they are specifically prohibited from implying or representing that they received legal advice or assistance from the firm simply because they used the documents in preparing their pleadings.

We hope this manual will assist communities in their efforts to form Districts.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Coppler", written in a cursive style.

Frank R. Coppler

FRC/jpr

T:\FRC\LETTER\3933C.DOC(JPR04)

\_\_\_\_\_, 2004

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Formation of a Water And Sanitation District/An Overview Of The Process

Dear Mr. \_\_\_\_\_:

Pursuant to our meeting a couple of weeks ago, I will outline in this letter the general procedures for forming a Water and Sanitation District. Water and Sanitation Districts are formed pursuant to §§73-21-1 through 73-21-55, NMSA 1978. In addition to complying with those fifty-five sections of the law, the Special District Procedures Act, §§4-53-1 through 4-53-11, NMSA 1978 must be complied with.

The process of formation of a District involves:

1. Defining the boundaries of the proposed District on a map or plat with sufficient specificity that a potential signer of the petition can with certainty look at it and decide whether his or her land is within or outside the boundaries.
2. Presentation of draft Petition to County Clerk, securing Clerk's signature and secure statement from the Clerk deciding how many signatures are necessary (the 25%).
3. Securing the requisite number of signatures and presentation to the county special district commission.
4. After securing approval of the county special district commission, presenting the petition to the district court.
5. Obtaining a hearing by the district court at which time any intervenors have the right to appear and contest the petition.

6. Securing an order from the district court authorizing an election on the question of organization of the district, such question to be submitted to the electors residing in the district.
7. Securing a majority vote of the taxpayers in the district in favor of organization of the district.
8. Securing a certification of the election return from the judges of the election.
9. Filing the election return with the district court and securing an order from the district court declaring the district to be formed.
10. The action is then final unless an appeal to the court is filed within thirty days.

There are two methods initially which can be used in formation of the district. One method is to simply go to the county commission and petition the county commission to conduct a hearing prior to any of the above procedures. If the county commission conducts such a hearing and agrees to have the chairman of the county commission sign the petition request, then the petition is sufficient with only the chairman of the county commission's signature. After securing the signature of the chairman of the county commission, then all of the procedures 2 through 10 above must be followed.

The other method is to circulate a petition among the people who are residing in the proposed district and secure a number of signatures at least equal to 25% of the taxpayer electors of the district. After such a petition is complete, then the procedures 2 through 10 above must be followed. I recommend this second option of circulating the petition among the taxpayer electors of the district, rather than going directly to the county and asking the chairman of the county commission to sign. The reason I recommend this is because if you follow the procedure of requesting signature of the chairman of the county commission, any resulting district is a political subdivision of the county which implies that it would be responsible to the county government. If, however, you go the route of circulating the initial petition to the taxpayers, any special district that would result would be a political subdivision of the state, and responsible to the state. It would be wiser to have direct responsibility to the state rather than the county simply because you then avoid one level of supervision, review, approval by doing so.

You may wonder about how long it would take to go through all of the process. I think that given some eager volunteers to circulate the petition, and given the fact that



you could get a map agreed upon by everybody with regard to the boundaries of the district within the next couple of weeks, you could have a district formed within a year.

In closing, I might mention to you that the county special district commission which must review and approve the proposed district is made up of five members, two appointed by the county commission, two appointed by the mayors of all of the cities in the county, and one appointed by these four individuals. Also, in the procedures before the district court, any adjoining Water and Sanitation District, the Attorney General and the State Health and Environment Department must be notified. They would have an opportunity to intervene in the proceedings and put on evidence with regard to the merits of formation of the district.

Again, we look forward to working with your group on this project. We stand ready to assist by beginning the drafting of the petition should your group desire to do so. The first item is that your group must secure a map outlining the boundaries of the proposed district and send it to me so I can begin drafting a petition. If you have any questions on this, please do not hesitate to call on me.

Very truly yours,

Frank R. Coppler

FRC/jpr

cc:

T:\FRC\LETTER\39333B.DOC(JPR04)

**PETITION REQUESTING FORMATION**  
**OF THE \_\_\_\_\_ WATER AND SANITATION DISTRICT**

Pursuant to NMSA 1978, §73-21-6 the undersigned petitioners declare they are persons, qualified to vote at general elections in the state, who either have paid or incurred a general tax liability on real property within the proposed district in the twelve months immediately preceding or who are purchasing real property within the proposed district under a real estate contract where a property tax has been paid or incurred on the real property in the twelve months immediately preceding and do not own shares in, hold an office in or direct any business entity with an economic interest in the subdivision and sale of land within the proposed district. We petition the District Court and the County Special District Commission to approve the formation of the Water and Sanitation District which shall be named the \_\_\_\_\_ Water And Sanitation District. Attached to this Petition as Exhibit "A" is a map drawn along surveyed boundaries showing the general description of the boundaries of the district or territory to be included in the district. The map contains a general description of the boundaries of the area to become the \_\_\_\_\_ Water And Sanitation District. We petitioners have been able to determine with certainty that we are taxpaying electors in this area.

Presently \_\_\_\_\_ owns and operates the water and sewer system. The system primarily serves a community of properties owned by \_\_\_\_\_ and when transferred to the District will primarily serve the same community. The purchase price of the \_\_\_\_\_ system is estimated to lie in a range of \$1 (nominal price), \$769,000 (book value), and \$3,000,000 (estimated fair market value). The purchase price will be negotiated between \_\_\_\_\_ and the District and approval will be required by both the \_\_\_\_\_ and the Board of the District. The estimated timetable for completion of the purchase of the private water and sewer system is \_\_\_\_\_. It is necessary to the public health, welfare and safety that ultimately water and sewer facilities be expanded, upgraded and modernized to assure a healthy environment and safe drinking water supply. Presently, much of the area is served by individual septic tanks, however the regulatory agencies are making it more difficult to use and maintain septic systems in areas of growing population. It is estimated that at some future time, ten to twenty years, a more sophisticated centralized form of sewage treatment may become necessary at a cost that will depend on then available technology. At present there is no firm estimate of costs with respect to upgrading, modernizing and expanding the water and sewage treatment system. Population growth will require continued growth and expansion of the public water system. It is anticipated that the improvements will be used by all current residents and all future residents of the area. The salary, if any, of district board members shall not exceed the amount authorized by law. Wherefore, the undersigned respectfully request the district be organized.

Signature Petitioner #1	Print name as appears on voter registration card	Date
Voter ID # (if known)	Print address	
Signature Petitioner #1	Print name as appears on voter registration card	Date
Voter ID # (if known)	Print address	

Any person knowingly providing or causing to be provided any false information on the petition or forging of signature on this petition is guilty of a fourth degree felony (3-1-5 C (4) NMSA 1978). Any person who signs this petition knowing he or she is not an owner of real property and not a registered voter within the proposed boundaries of the District (or State of New Mexico) is guilty of a fourth degree felony. Pursuant to §3-1-5 NMSA 1978 the \_\_\_\_\_ County Clerk approved the form of this Petition.

\_\_\_\_\_(signature)  
\_\_\_\_\_, County Clerk  
\_\_\_\_\_ County

**Complete this section if you are not registered to vote in \_\_\_\_\_ County, New Mexico but you are registered to vote in any other county in New Mexico:**

**Certificate of Petitioner #1**

I, \_\_\_\_\_ being first duly sworn on my oath depose and state that:  
(Petitioner #1, Print Name)

1. I am a resident registered voter, qualified to vote in general elections in New Mexico.
2. I pay or incur taxes on real property located at \_\_\_\_\_,  
New Mexico. Street Address or Block Tract No.
3. The real property is owned by myself ☐ -or- by myself and my spouse ☐ -or- the property is held in the name of a fictitious entity (please see note #1 below) but I ☐ pay the taxes on it.  
(Check one box only)
4. End of certificate.

(X) \_\_\_\_\_

\_\_\_\_\_  
(Voter ID# from Voter Registration Card – please see note #2 below)

**Certificate of Petitioner #2**

I, \_\_\_\_\_ being first duly sworn on my oath depose and state that:  
(Petitioner #1, Print Name)

5. I am a resident registered voter, qualified to vote in general elections in New Mexico.
6. I pay or incur taxes on real property located at \_\_\_\_\_,  
New Mexico. Street Address or Block Tract No.
7. The real property is owned by myself ☐ -or- by myself and my spouse ☐ -or- the property is held in the name of a fictitious entity (please see note #1 below) but I ☐ pay the taxes on it.  
(Check one box only)
8. End of certificate.

(X) \_\_\_\_\_

\_\_\_\_\_  
(Voter ID# from Voter Registration Card – please see note #2 below)

**Note #1:** Fictitious entity such as a trust, corporation, partnership, LLC, or DBA

**Note #2:** Voter ID from Voter Registration Card is needed to verify voter eligibility outside of \_\_\_\_\_ County

**Affix Property label here** (the organizing committee will prepare and affix property labels created by the committee from the County Assessor's records to include the names of the property owner(s), the property address, the Assessor's Owner Number, and the names and Registration ID's of any voters registered in \_\_\_\_\_ County).

**Verification:** (the organizing committee will use this space for coding any voter verification which has been performed).

\_\_\_\_\_, 2004

\_\_\_\_\_ County Clerk

Re: Petition for \_\_\_\_\_ Water and Sanitation District

Dear \_\_\_\_\_:

My clients, a committee for formation of the \_\_\_\_\_ Water and Sanitation District have requested that I write you with regard to petitions they will shortly request you to approve as to form prior to their circulation. The Water and Sanitation District formation process requires not only a boundary survey and filing of sufficient qualified signatures, but also approval by a Special District Commission, approval by the District Court, reviews by various state agencies and approval by the electorate in an election.

With respect to the petition and who may vote at the election stage there are issues that you should address early on:

- who can sign a petition? (§73-21-4D & 73-21-6A)
- how many signatures required? (§73-21-6A)
- who can vote in the election? (§73-21-9H)

§73-21-4D sets forth a definition of taxpaying elector that is restricted to a registered voter in the state who also owns property in and pays taxes in the District.

**WHO CAN SIGN A PETITION AND FROM WHAT BASE NUMBER IS THE 25% CALCULATED**

The first question that may be asked is whether it is legal or constitutional to limit the signing of a petition, and therefore the basis of the calculation regarding the signatures necessary on the petition to only those persons meeting all three of the criteria set out in §73-21-4D. In re: Petition of Lower Valley Water and Sanitation District, 96 N.M. 532, 632 P.2d 1170 (1981), the New Mexico Supreme Court held that persons participation in the petition processes could be so limited by statute. The Court in that case went on to say that therefore the legislature could also require that in

counting the number of valid signatures required, make the basis of the calculation 25% of the total number in the District who meet the §73-21-4D criteria. Therefore, it is clear the legislature has the power, if it so chooses, to limit signers to persons who satisfy all three criteria: taxpayers, electors and residents in the proposed district. I conclude that even though the definition in §73-21-4D does not restrict the "resident" element to someone living in the District (it includes those living outside, but in New Mexico), for purposes of calculating the 25%, it would be proper to initially count residents only, but then do a review of New Mexico voters who live outside but own property in the District and push the number up sufficiently to cover that. This method should be acceptable in determining who is qualified to sign as well (in other words allow non-residents who are New Mexico registered voters who own property in the District to sign).

### WHO IS ELIGIBLE TO VOTE

Now the second question becomes, at the stage of the proceedings where there is an election held on approving the formation of the \_\_\_\_\_ Water and Sanitation District, who is eligible to vote? Again, §73-21-4D NMSA 1978 defines "taxpaying elector of a district" as discussed above and §73-21-9H says that if a majority voting vote in favor of forming the District then it comes in existence.

However, §73-21-6A NMSA 1978 cannot be read to have dropped the requirement of residing in the proposed district in order to vote because of its reference to "... electors of the district ...". The reason is that to be an "elector," under the statute the person must reside in the district in order to vote on its formation or subsequent governance. In Cimarron v. Maloney, 82 N.M. 167, 477 P.2d 605 (1970) our Supreme Court held that a constitutional provision that allowed only owners of real estate to vote on a question of creating debt through issuance of general obligation bonds, and a statute requiring maintenance of separate ballot boxes during balloting to segregate votes of qualified electors who were owners of real estate within school district from votes of qualified electors who were not, were violative of the equal protection clause.

Thus, there is no question that a person who is a registered voter residing in the District at the time of the election can vote whether or not they own property.

The final question is must non-residents (those not residents of the District) who may live elsewhere, even New Mexicans who may live, and be registered in Albuquerque, for example, but own property in the District be allowed to vote. As a general matter, the New Mexico Supreme Court has ruled that such property-ownership restrictions are unconstitutional as applied to voting qualifications in elections of "general interest". See Lower Valley Water and Sanitation District v. Public Serv. Co.,

96 N.M. 532, 535-37, 632 P.2d 1170, 1173-75 (1981). The issue before the court in Lower Valley was the constitutionality of the property-ownership requirement for those signing a voter petition to create a water and sanitation district. The Court upheld the requirement, but it stated that a water and sanitation district election is of general interest.

In Hughes v. Timberon Water and Sanitation District, 128 N.M. 186 (App.), 991 P.2d 16 (1999) our Court of Appeals stated:

"In our view, a "taxpaying elector of a district" must be a resident of the district. In arriving at this view, we look first at the election laws. Voting in New Mexico general elections is by precinct. See NMSA 1978, § 1-11-2 (1991); NMSA 1978, §§ 1-12-1 to -69 (1969, as amended through 1995) (conduct of elections); NMSA 1978 §§ 1-3-1 to -18 (1969, as amended through 1997) (precincts and polling places). That is, to vote in a general election, one must vote in a precinct. And only a resident of the precinct, is eligible to vote in the precinct. See § 1-12-7(A) ("No person shall vote in any . . . general . . . election unless he is a voter of the precinct in which he offers to vote."); NMSA 1978, § 1-5-5 (1993) (county clerk required to enter precinct of the voter on certificate of registration). In other words, to be qualified to vote in a general election in New Mexico, one must reside in the precinct where one intends to vote. Accordingly, the phrase "qualified to vote at general elections in the state" was likely understood by the Legislature enacting the statute as encompassing a local residence requirement."

To read the statute as allowing non-residents to vote makes no more sense than if Albuquerque residents were to be allowed to vote in Santa Fe elections. Thus, electors "of" the district and electors "residing within" the district are the same: people who live in the district, they are the only ones allowed to vote.

#### **RULES OF THUMB FOR CONSIDERATION BY THE COUNTY CLERK**

So, with the above conflicting statutory language and case law in mind, what rules should the County adopt when going through this process? With regard to the definition of who can be counted as a valid signature on petitions as well as what is the basis for calculating 25%, we offer the following:

1. Those persons residing in the boundaries who are registered to vote, owning or purchasing real property under contract and obligated to pay taxes should be counted. Then review the real estate records for the number of owners or

purchasers not District residents but who have mailing addresses in New Mexico. Add a percentage of them to the count based on accepted statistics regarding the percentage generally of New Mexico property owners registered to vote in general elections in New Mexico.

2. Twenty five percent of the sum of 1 above would be sufficient if the petition were signed by the persons described in 1 above. Of course, if the petition is signed by a property owner taxpayer not a District resident, but who resides in New Mexico, a mechanism to assure they are a registered voter would be necessary. I do not know of any easy way that may be available for you to do this. As a last resort, a short form Affidavit signed by each such petitioner stating they are a New Mexico registered voter would do the trick.
3. At the election stage of the process, with regard to who may vote, only those persons registered to vote residing in the District would be allowed to vote at the election. The election is decided based on a majority of those voting, no extraordinary voting requirements are in the law.

Enclosed is the Petition for the District with the Exhibit map of the area which would be printed on the back of the Petition. Pursuant to §3-1-5 NMSA 1978 the County Clerk must approve the form of the Petition prior to circulation. Therefore, please review it and sign it and send the original to us so we may copy it and begin the signature gathering process.

Some other questions that have been raised and our proposals with regard to how to handle them follow. Would it make sense to ask each Petitioner to write in their 9-digit voter ID number on the Petitions? We believe you use the SS number, is that correct? A reservation about this is that such a requirement is not found in the statutes. Maybe the way to do it is to encourage it, not make it mandatory?

With respect to the Water and Sanitation District Petition, what about properties held in fictitious entity, corporation, LLC., trust or partnership? Going to the taxpaying elector definition in §73-21-4D, it is one who has incurred or paid the taxes. In the case of a fictitious owner – that is the one who has “incurred” the tax but the one who “paid” it and satisfies the test of resident or New Mexico voter can sign the petition. We could handle these situations by having them sign a Certificate that although the property is owned by the entity, they pay the taxes. New Mexico is a community property state so if the payment is made from community funds (husband and wife) they could each sign the Petition. Such a form Certificate is enclosed on the Petition. Also, of course, even if the Assessor carries property in the name of one spouse, with such an Affidavit both

could sign a Petition. These same rules would apply with respect to out of District New Mexico petitioner property owners.

I hope you find these suggestions helpful and by making them, I do not presume to be giving you advice as your attorney. Because of that I am sending a copy of this letter to County Attorney \_\_\_\_\_. He may well have views on these issues that are different. I simply am of the opinion that the policy of the County in terms of how these statutes should be construed must be established early on in the process so that the citizens initiative may go forth with everyone understanding the rules the same way.

Please do not hesitate to call on me if you wish to discuss this.

Very truly yours,

Frank R. Coppler

FRC/jpr  
Enclosures

cc: County Attorney

T:\FRC\LETTER\3933A.DOC(JPR04)



Marcos P. Trujillo  
Commissioner, District 1

Herman M. Rodríguez  
Commissioner, District 2

Javier M. Gonzales  
Commissioner, District 3



Richard D. Anaya  
Commissioner, District 4

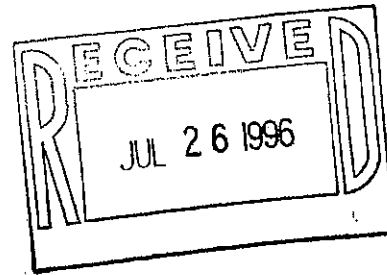
Betty Platts  
Commissioner, District 5

Domingo Sánchez III  
County Manager

July 24, 1996

Mayor Debbie Jaramillo  
City of Santa Fe  
200 Lincoln Ave.  
Santa Fe, NM 87501

Mayor Ross Chavez  
City of Espanola  
405 Paseo De Oñate  
P.O. Drawer 37  
Espanola, NM 87532



**Re: *El Dorado Area Water and  
Sanitation District Formation***

Dear Mayor Jaramillo  
and Mayor Chavez:

In May 1996, a petition was filed with Santa Fe County requesting formation of a water and sanitation district in the El Dorado subdivision south of the City of Santa Fe. At that time, I wrote a joint letter to you sharing this information because the cities of Santa Fe and Espanola must be involved in the process of appointing a Special District Commission to review the petition as required by state statute.

At its July meeting, the Santa Fe County Board of County Commissioners certified the petition requesting formation of the El Dorado Water and Sanitation District. The Commissioners also appointed Commissioner Herman Rodriguez and Commissioner Betty Platts as Santa Fe County representatives to the County Special District Commission.

To complete the five-member Special District Commission, the state statute requires that each of you appoint a city officer to represent your respective municipalities at a joint meeting. The appointments are for four years.

The four members from the cities of Santa Fe and Espanola and the County of Santa Fe would then appoint a final member to serve as chairman of the Special District Commission and represent the general public in the county.

Mayor Debbie Jaramillo  
Mayor Ross Chavez  
July 18, 1996  
Page 2

We would sincerely appreciate your cooperation in this effort and would be happy to coordinate a meeting of the Special District Commission appointees after your selections have been made so the Commission can begin the task of reviewing the petition for the creation of the El Dorado Area Water and Sanitation District.

The El Dorado Ad Hoc Water Study Committee is most anxious to keep this process moving and we are making every effort to facilitate the process. We respectfully request your participation in the appointment of the city representatives of the Special District Commission so the Special District Commission can go forward.

Thank you for your assistance in setting up the Special District Commission. Please let me know if you need any additional information.

Sincerely,



Domingo Sánchez III  
County Manager

Enclosure

cc: Frank Coppler  
Commissioner Betty Platts  
Commissioner Herman Rodriguez  
Acting City Attorney Mark Basham

# COPPLER & MANNICK, P.C.

A PROFESSIONAL CORPORATION

FRANK R. COPPLER  
PAUL D. MANNICK  
GERALD A. COPPLER\*  
MARK H. SHAW  
KATHERINE A. BASHAM  
DANIEL R. RUBIN\*\*

ATTORNEYS AND COUNSELORS AT LAW  
645 DON GASPAR AVENUE  
SANTA FE, NEW MEXICO 87501

TELEPHONE  
(505) 988-5656

TELECOPIER  
(505) 988-5704

November 13, 1996

\* also licensed in Texas  
\*\* licensed in Texas and  
Arizona only

Steven Kopelman, Esq.  
Santa Fe County Attorney  
Post Office Box 276  
Santa Fe, New Mexico 87504-0276

Re: El Dorado  
Our File No.: 3320

Dear Mr. Kopelman:

Per your request, enclosed is a form of notice to be published on the above. I suggest we follow §14-11-10 and publish it four times even though the Water and Sanitation District Act provides three times. Also the clerk needs to notify the governmental units as set out in § 4-53-5 NMSA 1978. A cover letter from her to them enclosing the notice should do it.

Very truly yours,

Coppler & Mannick, P.C.

Frank R. Coppler

FRC:cal  
Enclosure  
cc: Richard Chenault (w/enc.)

T:\FRC\LETTER\3320Q.DOC (CAL96)

**SANTA FE COUNTY SPECIAL DISTRICT  
COMMISSION NOTICE OF PROCEEDINGS**

The Santa Fe County Special District Commission shall hold a public hearing on December 19, 1996 at 1:30 p.m. at the Santa Fe County Courthouse, Commission meeting room. Then and there, the Commission will hold a public hearing on a proposal to create an El Dorado Area Water And Sanitation District. The factors to be addressed at the public hearing are as outlined in § 4-53-8 NMSA 1978.

---

Santa Fe County Clerk

**Publish:**

Per § 14-11-10 NMSA 1978  
Once each week for four consecutive weeks  
Nov. 15, 22 & 29, 1996  
Dec. 6, 1996

*file copy*

**COPPLER & MANNICK, P.C.**

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW  
645 DON GASPAR AVENUE  
SANTA FE, NEW MEXICO 87501

TELEPHONE  
(505) 988-5656

TELECOPIER  
(505) 988-5704

FRANK R. COPPLER  
JL D. MANNICK  
GERALD A. COPPLER\*  
MARK H. SHAW  
KATHERINE A. BASHAM  
DANIEL R. RUBIN\*\*

November 18, 1996

\* also licensed in Texas  
\*\* licensed in Texas and  
Arizona only

Steve Kopelman, Esq.  
Post Office Box 276  
Santa Fe, New Mexico 87504-0276

Re: Proposal to Create a Special District - A Water and Sanitation District in  
the Eldorado Subdivision Area to be Known as the Eldorado Area Water  
and Sanitation District; Our File No. 3320

Dear Mr. Kopelman:

Enclosed is a proposed notice to the municipalities of Santa Fe, Pecos and  
Cochiti Lake, Lamy Mutual Domestic and the county commissioners. We suggest this  
notice will satisfy § 4-53-5B requirements of notice to each municipality within twenty  
miles of the proposed district, each adjacent special district and the Board of County  
Commissioners.

Attached hereto is the proposal to the Special District Commission addressing  
the factors to be considered at the hearing on the proposal. Therefore we request the  
Commission conduct its hearing and issue a decision approving formation of the  
Eldorado Area Water and Sanitation District within thirty days after conclusion of the  
hearing.

Respectfully submitted,

COPPLER & MANNICK, P.C.

*Frank Coppler*

Frank R. Coppler  
Attorneys for Petitioners

FRC:dfh

Enclosures

cc: Members of the Santa Fe County  
Special District Commission

T:\FRC\LETTER\3320R.DOC

City of Santa Fe  
Lamy Mutual Domestic Water Consumers Association  
Village of Pecos  
The Board of County Commissioners of Santa Fe County  
Town of Cochiti Lake

**NOTICE**

You are hereby notified of a proposal to create the Eldorado Area Water and Sanitation District to operate pursuant to §73-21-1 et seq. NMSA 1978. Please take notice that the Special District Commission will convene for hearing of the proposal on the 19th day of December, 1996 at 1:30 p.m. at the Santa Fe County Commission chambers. Then and there the Commission will consider factors relevant (pursuant to §4-53-1 et seq. NMSA 1978) to the proposal to create the Eldorado Area Water and Sanitation District.

Sincerely,

Jona Armijo  
Santa Fe County Clerk

T:\FRC\MISC\3320C.DOC

FACTORS TO BE CONSIDERED  
BY THE  
SANTA FE COUNTY SPECIAL DISTRICT COMMISSION  
(Per Special District Procedures Statute (4-53-8))

November, 1996

The following information is provided to the Santa Fe County Special District Commission for consideration in the review of the proposal to create the Eldorado Area Water And Sanitation District as required by the NM Special District Procedures Act.

**PROPOSED WATER AND SANITATION DISTRICT BOUNDARY**

The provided map of the Eldorado/US 285 area shows the boundary of the proposed district, including a legal description and a list of subdivisions included.<sup>1</sup>

**FACTUAL INFORMATION ABOUT THE PROPOSED WATER AND SANITATION DISTRICT**

**1. Population**

The population of the proposed water and sanitation district is approximately 6,000 as of March 1996 and is projected to grow to about 10,000 by the year 2000 and about 11,000 by 2005.<sup>2</sup>

**2. Population Density**

Population density within the proposed water and sanitation district is approximately 400 persons per square mile (0.65 persons per acre), based on the population in paragraph 1 and the land area in paragraph 3 below.

**3. Land Area**

The area of the proposed water and sanitation district is approximately 15 square miles.<sup>3</sup>

**4. Land Use**

Land use in the proposed water and sanitation district is primarily residential. Zoning and master planning is mostly for homes on lot sizes of one to ten acres.

**5. Per Capita Assessed Valuation.**

As of August 1996 the total assessed valuation of single residences (including land and improvements) in the proposed district is \$206,590,414. Since the total number of residents is approximately 6000 (paragraph 1 above), the per capita assessed valuation is about \$34,431. The total assessed valuation of vacant lots and commercial properties in the proposed district is \$1,173,274,378.<sup>4</sup>

**6. Topography**

The area within the proposed district consists mainly of open terrain or rolling hills covered with grass and low growing pinõns and junipers. The terrain slopes to the southwest from a high point of about 7200 feet elevation to a low point of about 6500 feet elevation.

**7. Natural Boundaries and Drainage Basins**

Most of the district's boundaries are cultural boundaries, that is, defined by such things as roads and sub-divisions. The district lies entirely within the Gallisteo Basin.

For a more detailed description of the hydrogeological characteristics of the area, see the "Frost Report".<sup>5</sup>

#### 8. Proximity to Other Populated Areas

The northwest corner of the proposed district is approximately six miles southeast from the city limits of Santa Fe, and the closest point of the Santa Fe Extraterritorial Zone (EZ) boundary is approximately 1 mile from the same area. The village of Lamy is approximately 1 mile from the southeast portion of the proposed district.<sup>6</sup>

The northwest area of Eldorado, where residents are served primarily by domestic wells, is not included in the proposed district because the residents have not collectively expressed a desire to be included.

---

<sup>1</sup> Map of Eldorado/US 285 Area showing proposed Eldorado Area Water And Sanitation District, Graphic Information System (GIS), Santa Fe County, March, 1996

<sup>2</sup> Mazria Associates, Inc., *Study of School/Community Facilities for the Southeast Sector, Santa Fe, New Mexico* (March 29, 1996) p. 8

<sup>3</sup> Map, *loc. cit.*

<sup>4</sup> Santa Fe County Assessor's Office, Letter dated August 5, 1996

<sup>5</sup> Frost and Associates, Geologists, Hydrologists, Ltd. Co., *Review of El Dorado Area Water Production and Groundwater Resource, Santa Fe County, New Mexico* (June, 1996)

<sup>6</sup> Map, *loc. cit.*



## OTHER CONSIDERATIONS

1. There is a need to improve the quality and reliability of water service and, eventually, sanitation service throughout the area of the proposed water and sanitation district.

For the past 27 years the Eldorado/US 285 area has grown rapidly until today the numbers of people and homes are those of a small town. The developer of the area, AMREP Corporation, has provided no organized community services other than the water utility, El Dorado Utilities, Inc. ("EDU"), and the initial lot owners association. That association, the Eldorado Community Improvement Association ("ECIA"), now provides management and funding for amenities and services for the community. ECIA also has a strong hand in day-to-day community activities in Eldorado proper through an extensive network of volunteer citizen committees. ECIA provides liaison with the County for such things as road maintenance and security. However, ECIA does not have any control over the water service provided by EDU nor does it in any way serve or represent the other communities in the area.

The residents of the proposed water and sanitation district have been dissatisfied with the quality of the water service from EDU for many years. EDU was established by AMREP in the early 1970's to support the sale of land in the Eldorado area. EDU has been slow to plan, fund, or implement system growth and improvements to support the growth in the area. EDU has consistently overstated its water resources in order to support further growth in the area. As the recent County-declared water emergency in the EDU service area illustrates, EDU has failed to develop and prove up increased water resources (legal and physical) to support the growth.. Headquartered in Rio Rancho and with no long-term interest in the area, EDU's interest in the Eldorado water service area has been fading while the interest and concerns of the residents has been growing. The time has come for the residents to take control of water and sanitation policy in their area.

The primary goal of the proposed water and sanitation district is to purchase EDU and operate it for the public health, welfare, and safety of its residents. The district will provide the necessary organization and operational authority to permit the residents of the area to improve their water service to a satisfactory level and to plan for future growth in the area..

There currently is no waste water collection or treatment in the proposed water and sanitation district area. Solid waste pickup is provided by Environmental Services, a private for-profit company. Individual homeowners can subscribe to this service, or they may, as many do, haul their solid waste to the SF County transfer station located in the area. Although there is no current plan for the proposed water and sanitation district to initiate either solid waste or waste water service, it is certain that as the area develops there will be a need to plan and establish some form of service. The type of service, the cost, and the time frame are still to be determined.

There is currently no need or intent for the proposed water and sanitation district to provide road or park and recreational services.

**2. At present there are some services and controls provided in the area by SF County.**

The government services and controls in the area consist primarily of road maintenance on major roads and most internal roads within Eldorado proper. Most roads in the other sub-divisions in the area are privately maintained and receive no county support.

There are no county-maintained parks or recreational facilities within the proposed district. ECIA owns and maintains several recreational facilities, as stated in paragraph 1 above, but these are only for the use of Eldorado residents, not other residents of the area.

The county-provided services are funded from the County General Fund. In fiscal 1996 the County budgeted \$ 300,000 for road maintenance throughout the entire county, including Eldorado. The level of services is generally considered adequate, but not good, by the area residents. There is an initiative within the county to provide better facilities available to all residents of the area. This will include a library and community room, indoor pool, multi-purpose fields, and improved hiking and horse trails.<sup>7</sup>

**3. There will continue to be a need for water and sanitation services in the future.**

The population in the proposed water and sanitation district area and the surrounding area is projected to grow from 6,000 to 11,000 over the next ten years.<sup>8</sup> Although the impact of current county land use planning trends toward slower growth and clustered housing in the county is not known at this time, it will not stop growth in the area completely. The current problem with water supply and delivery in the area will not stop growth completely either. In fact, there are currently approximately 1600 future to serve residential lots and commercial projects approved for development within the area. These are in addition to the more than 2000 residential customers that EDU currently serves. The need for the services of the proposed water and sanitation district will continue to exist.

**4. The proposed water and sanitation district will most likely increase the cost of governmental services in the area slightly at first.**

The proposed water and sanitation district will require a certain level of funding to operate. This will increase the tax burden on the residents somewhat (see paragraph 5 below). However, it should also increase the adequacy of services significantly, offering residents a good return on their tax money.

The district, although not subject to Public Utility Commission regulation, would have its financial operations overseen by the Local Government Division of the NM Department

of Finance and Administration. Water quality would be monitored through Federal and state programs.

The alternative course of action is to do nothing, leaving the water policy and planning to the county and EDU. This would result in no direct taxes, but the cost of water service to the residents would be higher in the long run due to EDU's need to reach and maintain profitability, versus the district's priorities on service and long term cost stability.

For comparison purposes, the three other water and sanitation districts in New Mexico (Anthony in Dona Anã County, Timberon in Otero County, and Twining in Taos County) have not levied property taxes to support capital improvements or operations of these districts. It is anticipated that the Eldorado Area Water And Sanitation District, after initial start-up, will similarly rely on user fees to operate, maintain, and expand the system and to pay the district's operating expenses.

**5. The creation of the proposed water and sanitation district is expected to require the issuance of about \$50,000 in General Obligation bonds and to result in a one-time tax of less than \$25 per tax-paying property in the district.**

The district will require about \$50,000 of start-up funds as follows:

Legal expenses of establishing district	\$20,000
Legal expenses to start-up district	10,000
Engineering study of water utility	15,000
Administrative expenses for first year	<u>5,000</u>
TOTAL	\$50,000

It is expected that the funds will be raised through the issuance of General Obligation bonds in that amount. Repayment of the bonds would be achieved in the following tax year through an average one-time property tax levy of less than \$25 per lot on tax-payers in the district.

Based on the plan to purchase the water company, EDU, subsequent revenues from water sales and related fees will be used to pay operating costs of the district in addition to the operating and financing costs of the utility.

**6. The creation of the Eldorado Area Water and Sanitation District would have little effect on adjacent areas, mutual social and economic interests, and the local government structure of the county.**

The area included in the proposed water and sanitation district is bordered on all sides by unincorporated areas of SF County. On the eastern side the district is bounded mostly by the Eldorado Conservation Area ("Eldorado Wilderness"). On the southern side it is mostly master-planned residential areas in lot sizes of 2.5 to 10 acres. This area currently does not have many homes. On the western side lies the master-planned area of Rancho

Viejo, as well as the State Penitentiary and the NM National Guard facility. The SF County Water Co. serves both of these latter areas and is expected to serve Rancho Viejo when it is developed. On the northern side, the district is bounded by other established sub-divisions which have their own domestic water systems and by areas served by wells.

If the proposed water and sanitation district purchases and operates the water utility in the area, it will provide service to all current and future customers within the district and to all current and currently committed customers of EDU outside the district.

The proposed water and sanitation district lies entirely within SF County and neither overlaps nor abuts any other governmental entity. The proposed district lies completely outside of the Santa Fe Extraterritorial Zone.

*7. The petitioners believe that the proposed water and sanitation district will have a positive impact on the governmental structure in that it will give a major portion of the residents on this side of Santa Fe a mechanism with which to promote the health, safety, prosperity, and general welfare of the inhabitants of the proposed district.*

---

<sup>7</sup>Mazria Associates, Inc., *Study of School/Community Facilities for the Southeast Sector, Santa Fe, New Mexico* (March 29, 1996) p. 44

<sup>8</sup>*Ibid.*, p.8

PETITION REQUESTING THE  
FORMATION OF THE ELDORADO AREA WATER AND SANITATION DISTRICT

Pursuant to NMSA, 1978, §73-21-6 the undersigned petitioners declare they are persons, qualified to vote at general elections in the state, who either have paid or incurred a general tax liability on real property within the proposed district in the twelve months immediately preceding or who are purchasing real property within the proposed district under a real estate contract where a property tax has been paid or incurred on the real property in the twelve months immediately preceding and do not own shares in, hold an office in or direct any business entity with an economic interest in the subdivision and sale of land within the proposed district. We petition the District Court and the County Special District Commission to approve the formation of the Eldorado Area Water and Sanitation District. Attached to this Petition as Exhibit "A" is a map drawn along surveyed boundaries showing the general description of the boundaries of the district or territory to be included in the district. The map contains a general description of the boundaries of the area to become the Eldorado Area Water and Sanitation District. We petitioners have been able to determine with certainty that we are taxpaying electors in this area.

The name of the proposed district shall be the Eldorado Area Water and Sanitation District. The water system need not to be constructed or installed. Presently a privately owned utility company owns and operates the water system. The estimated purchase price of the private water system is \$1.5 to \$5 million dollars. The estimated time table for completion of the purchase of the private water system is December, 1997. It is necessary to the public health, welfare and safety that ultimately facilities be installed to assure a healthy environment and safe drinking water supply. Presently the area is served by individual septic tanks. It is estimated that at some future time, ten to twenty years, a more sophisticated or centralized form of sewage treatment will become necessary at a cost that will depend on then available technology. At present there is no reliable estimate of costs with respect to sewage treatment. Population growth will require some type of action to protect the water supply other than individual septic tanks, and will require continued growth and expansion of the public water system. It is anticipated that the improvements will be used by all current residents and all future residents of the area. The salary, if any, of district board members shall not exceed the amount authorized by law. Wherefore, the undersigned respectfully request the district to be organized.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name/Address

\_\_\_\_\_  
Date

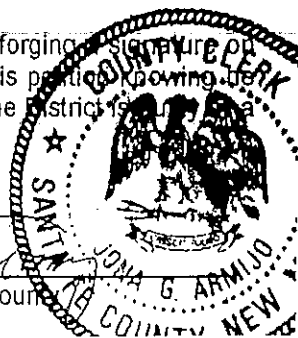
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name/Address

\_\_\_\_\_  
Date

Any person knowingly providing or causing to be provided any false information on the petition or forging the signature of this petition is guilty of a fourth degree felony (3-1-5 C.(4) NMSA 1978). Any person who signs this petition knowing he or she is not an owner of real property or not a registered voter within the proposed boundaries of the district is guilty of a fourth degree felony.

Pursuant to law the Santa Fe County Clerk approves the form of this Petition.



**PETITION REQUESTING THE  
FORMATION OF THE ELDORADO AREA WATER AND SANITATION DISTRICT**

Pursuant to NMSA 1978, §73-21-6 the undersigned petitioners declare they are persons, qualified to vote at general elections in the state, who either have paid or incurred a general tax liability on real property within the proposed district in the twelve months immediately preceding or who are purchasing real property within the proposed district under a real estate contract where a property tax has been paid or incurred on the real property in the twelve months immediately preceding and do not own shares in, hold an office in or direct any business entity with an economic interest in the subdivision and sale of land within the proposed district. We petition the District Court and the County Special District Commission to approve the formation of the Eldorado Area Water and Sanitation District. Attached to this Petition as Exhibit "A" is a map drawn along surveyed boundaries showing the general description of the boundaries of the district or territory to be included in the district. The map contains a general description of the boundaries of the area to become the Eldorado Area Water and Sanitation District. We petitioners have been able to determine with certainty that we are taxpaying electors in this area.

The name of the proposed district shall be the Eldorado Area Water and Sanitation District. The water system need not to be constructed or installed. Presently a privately owned utility company owns and operates the water system. The estimated purchase price of the private water system is \$1.5 to \$5 million dollars. The estimated time table for completion of the purchase of the private water system is December, 1997. It is necessary to the public health, welfare and safety that ultimately facilities be installed to assure a healthy environment and safe drinking water supply. Presently the area is served by individual septic tanks. It is estimated that at some future time, ten to twenty years, a more sophisticated or centralized form of sewage treatment will become necessary at a cost that will depend on then available technology. At present there is no reliable estimate of costs with respect to sewage treatment. Population growth will require some type of action to protect the water supply other than individual septic tanks, and will require continued growth and expansion of the public water system. It is anticipated that the improvements will be used by all current residents and all future residents of the area. The salary, if any, of district board members shall not exceed the amount authorized by law. Wherefore, the undersigned respectfully request the district to be organized.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name/Address

\_\_\_\_\_  
Date

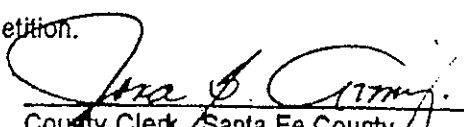
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name/Address

\_\_\_\_\_  
Date

Any person knowingly providing or causing to be provided any false information on the petition or forging a signature on this petition is guilty of a fourth degree felony (3-1-5 C.(4) NMSA 1978). Any person who signs this petition knowing he/she is not an owner of real property or not a registered voter within the proposed boundaries of the District is guilty of a fourth degree felony.

Pursuant to law the Santa Fe County Clerk approves the form of this Petition.

  
\_\_\_\_\_  
County Clerk, Santa Fe County

# Eldorado

(private wells)

## Eldorado

General description of the boundaries of the proposed Eldorado Area Water and Sanitation District and the territory to be included in it - portion of "Eldorado at Santa Fe Plat of Acreage Parcelization" filed with Santa Fe County October 15, 1981, consisting of the following:

1. Platted Eldorado Subdivision including in Unit 1 blocks 35-66; in Unit 2, blocks 11-32; and in Unit 3, blocks 1-63, but excluding, in Unit 1, blocks 1-35; and in Unit 2, blocks 1-10, known as the "Eldorado welled area".
2. Lots 1,2,3,4,5,7,8,13,15, and 16 as shown on the "Eldorado at Santa Fe Plat of Acreage Parcelization".

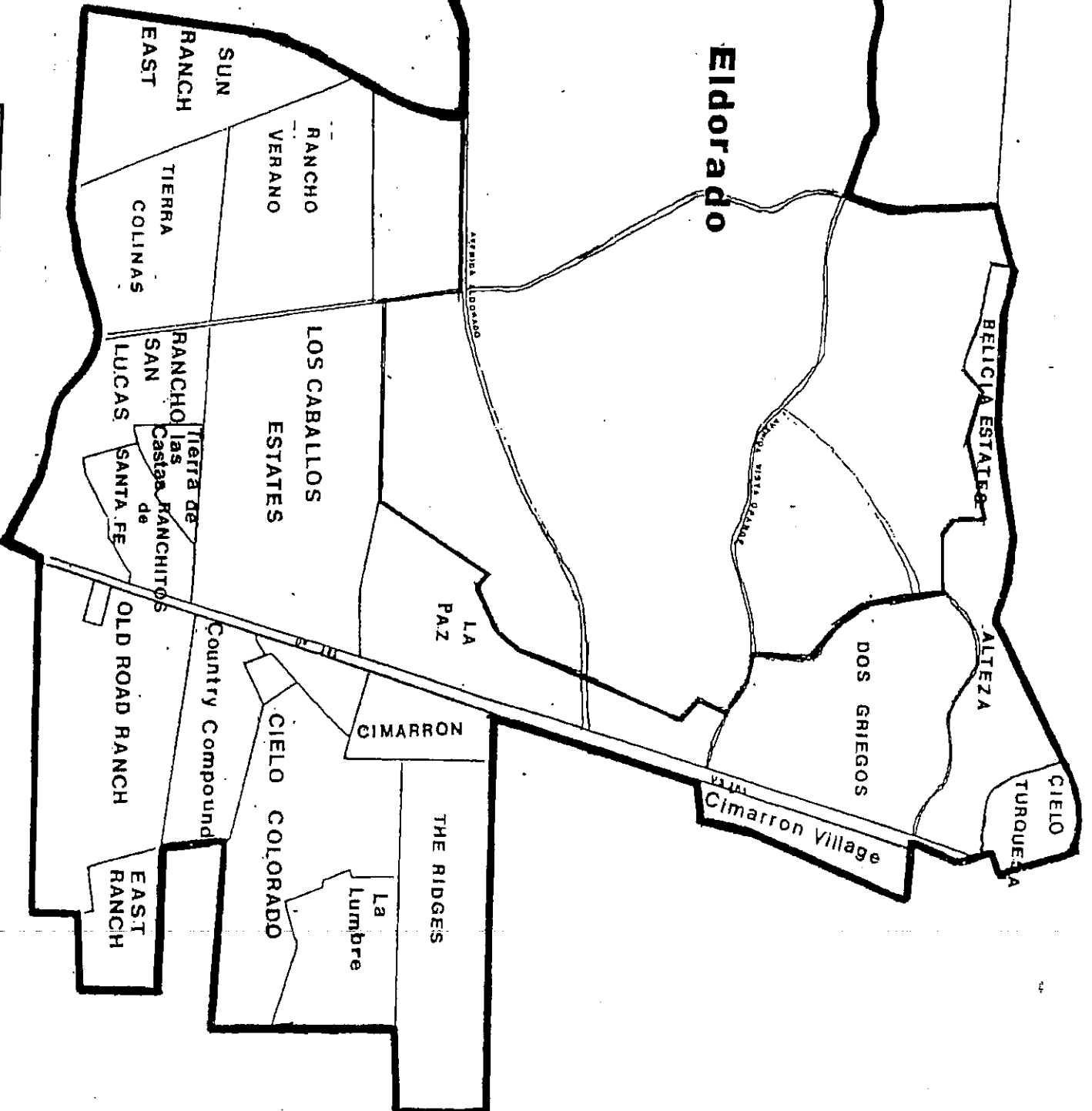


EXHIBIT "A" TO THE PETITION REQUESTING THE FORMATION OF THE ELDORADO AREA WATER AND SANITATION DISTRICT

Marcel P. Trujillo  
Commissioner, District 1

Herman M. Rodriguez  
Commissioner, District 2

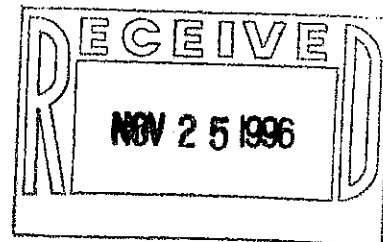
Javier M. Gonzales  
Commissioner, District 3

Richard D. Anaya  
Commissioner, District 4

Betty Platts  
Commissioner, District 5

Domingo Sanchez III  
County Manager

OFFICE OF THE COUNTY ATTORNEY  
TRANSMITTAL MEMORANDUM



Date: November 21, 1996

TO: Distribution

FROM: Steve Kopelman

A handwritten signature in dark ink, appearing to be "S. Kopelman", written over the printed name.

RE: Special District Commission

Attached is the Santa Fe County Special District Commission Notice of Proposal for the December 19<sup>th</sup> public hearing.

If you have any questions pertaining to this attachment please contact me at 986-6279.

Distribution: City of Espanola, City Clerk  
City of Santa Fe, City Clerk  
Frank Coppler  
Katherine Bashem  
County Commissioners  
Larry Delgado  
Consuelo Thompson-Ortega  
Francine Kern  
Corky Ojinaga  
Larry Velazquez

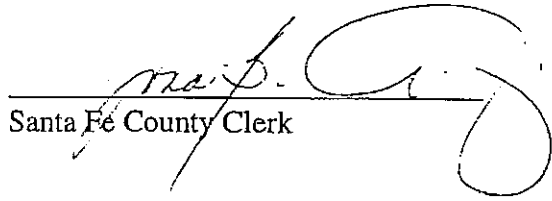
File # 3320

Attachment: a/s



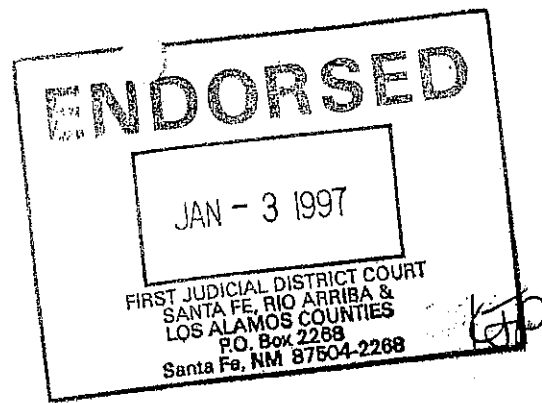
**SANTA FE COUNTY SPECIAL DISTRICT  
COMMISSION NOTICE OF PROCEEDINGS**

The Santa Fe County Special District Commission shall hold a public hearing on December 19, 1996 at 1:30 p.m. at the Santa Fe County Courthouse, Commission meeting room. Then and there, the Commission will hold a public hearing on a proposal to create an El Dorado Area Water and Sanitation District. The factors to be addressed at the public hearing are as outlined in § 4-53-8 NMSA 1978.

  
\_\_\_\_\_  
Santa Fe County Clerk

*[Faint circular stamp, likely a date stamp, is visible below the signature.]*

FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE



IN RE: PETITION REQUESTING THE  
FORMATION OF THE ELDORADO  
AREA WATER AND SANITATION DISTRICT

NO. SF 97- 0022(CV)

**PETITION TO AUTHORIZE FORMATION  
OF A WATER AND SANITATION DISTRICT**

COME NOW the petitioners, resident qualified elector landowners in Santa Fe County, New Mexico pursuant to §73-21-6 NMSA 1978 and state:

1. A petition signed by not less than twenty-five percent (25%) of the taxpaying electors of the district was filed with the county clerk and certified by the Board of County Commissioners and the petition and all other instruments relating to the formation of such district is on file with the county clerk of Santa Fe County.

2. All the proposed district is located in Santa Fe County and will neither abut or overlap any other municipal or quasi-municipal governmental entity. It lies completely outside the City of Santa Fe Extraterritorial Zone.

3. On December 19, 1996, pursuant to §4-53-1 et seq. NMSA 1978, the Santa Fe County Special District Commission authorized proceedings in this matter to continue.

4. The Findings of Fact And Conclusions of Law of The Santa Fe County Special District Commission are attached hereto and incorporated herein as Exhibit

"A."

5. The name of the proposed district is the Eldorado Area Water and Sanitation District (EAWSD).

6. The area included in the proposed EAWSD is shown on a map of Eldorado/US 285 area attached hereto as Exhibit "A."

7. There is a need to improve the quality and reliability of water service and, eventually, sanitation service (wastewater treatment and disposal and refuse collection and disposal) throughout the area shown on Exhibit A.

8. The creation of the proposed water and sanitation district in the area shown on Exhibit A is expected to require an average one-time property tax levy of less than \$25 per lot on taxpayers in the district.

9. Currently the plan is to purchase the existing privately owned water system. There is no reliable estimate of the cost at this time, but the price will not exceed the amount of a willing buyer/willing seller arms-length transaction on the open market. After the purchase, the water system will then be upgraded to serve the long-term needs of the area.

10. There will continue to be a need for water and sanitation services in the area shown on Exhibit A in the future. The population in the area is projected to grow from 6,000 to 11,000 over the next ten years. Although the impact of current county land-use planning indicates that it will result in slower growth and clustered housing in

the county, it is not known at this time how much of an effect it will have in slowing growth in the area. The current problem with water supply and delivery in the area will not stop growth completely. Currently there are approximately 1,300 future commitments to serve residential lots and commercial projects approved for development within the area.

11. The proposed water and sanitation district as shown on Exhibit A will most likely increase the cost of governmental services in the area slightly at first since it will require a certain level of funding to operate. The creation of the proposed water and sanitation district is expected to require an average one-time property tax levy of less than \$25 per lot on taxpayers in the district. If the district is able to purchase the water system at a reasonable price, low-interest loans and grants are available to improve and expand the system. A larger customer base will allow the district to operate on water sales income and not be required to levy property taxes.

12. There are some services and controls provided in the area shown on Exhibit A by Santa Fe County, the nature and extent of which consist primarily of road maintenance on major roads and most internal roads within Eldorado proper. Most roads in other subdivisions in Exhibit A are privately maintained and receive no county support. The county-provided services are funded from the County General Fund. In fiscal 1996 the County budgeted \$300,000 for road maintenance throughout the entire county, including Eldorado. The level of services is generally considered adequate,

but not good, by area residents.

13. There are no county-maintained parks or recreational facilities within the proposed district.

WHEREFORE, petitioners request the organization of the district as provided by law and such other and further relief as may be proper.

Respectfully submitted,

COPPLER & MANNICK, P.C.  
Attorneys for Petitioners  
645 Don Gaspar Avenue  
Santa Fe, New Mexico 87501  
(505) 988-5656

  
Frank R. Coppler

T:\FRC\PLEADING\3320F.DOC

SANTA FE COUNTY  
SPECIAL DISTRICT COMMISSION

In Re:

Petition Requesting The Formation Of The Eldorado Area  
Water And Sanitation District

Findings Of Fact And Conclusions Of Law

Findings Of Fact

1. The Board Of County Commissioners of Santa Fe County certified the petition requesting the formation of the Eldorado Area Water And Sanitation District (EAW&SD) at its July, 1996 meeting.
2. The Board Of County Commissioners of Santa Fe County duly appointed its representatives to serve on the Santa Fe County Special District Commission at its July, 1996 meeting.
3. The mayors of the municipalities of Española and Santa Fe duly appointed their representatives to serve on the Santa Fe County Special District Commission on December 6 and 7, 1996.
4. The four county and municipal members duly appointed a fifth member to be chairperson at a meeting held November 12, 1996.
5. The Santa Fe County Special District Commission (SFCSDC) then met on December 3, 1996 and set the date of December 19, 1996 at 1:30 p.m. Santa Fe County Courthouse to hear the petitioners and other interested persons.
6. Publication was made of the hearing date, time and place pursuant to law giving notice to the public of the hearing.



7. Notice of the hearing date, time and place was provided to local services providers as required by law.

8. The SFCSDC conducted a public hearing commencing at the date, time and place referred to in no. 5 above. A list of those in attendance is annexed hereto as Exhibit 1.

9. The area included in the EAW&SD is shown on a map of Eldorado/US 285 Area annexed hereto as Exhibit 2.

10. The population of the area shown in Exhibit 2 is approximately 6,000 as of March 1996 and is projected to grow to about 10,000 by the year 2000 and about 11,000 by 2005.

11. Population density of the area shown in Exhibit 2 is approximately 400 persons per square mile (0.65 persons per acre).

12. The area of the EAW&SD shown in Exhibit 2 is approximately 15 square miles.

13. Land use in the area shown in Exhibit 2 is primarily residential. Zoning and master planning is mostly for homes on lot sizes of one to ten acres.

14. As of August 1996 the total assessed valuation of single family residences (including land and improvements) in the area shown in Exhibit 2 is \$206,590,414. Since the total number of residents is approximately 6000, the per capita assessed valuation is about \$34,431. The total assessed valuation of vacant lots and commercial properties in the proposed district is \$1,173,274,378.

15. The area shown in Exhibit 2 consists mainly of open terrain or rolling hills covered with grass and low growing pinóns and junipers. The terrain slopes to the southwest from a high point of about 7,200 feet elevation to a low point of about 6,500 feet elevation.

16. Most of the boundaries of the EAW&SD as shown on Exhibit 2 are cultural boundaries; that is, defined by such things as roads and subdivisions. The area shown on Exhibit 2 lies entirely within the Galisteo Basin.

17. The northwest corner of the area shown on Exhibit 2 is approximately six miles southeast from the city limits of Santa Fe, and the closest point of the Santa Fe Extraterritorial Zone (EZ) boundary is approximately 1 mile from the same area. The village of Lamy is approximately 1 mile from the southeast portion of the area shown on Exhibit 2.

18. There is a need to improve the quality and reliability of water service and, eventually, sanitation service (wastewater treatment and disposal and refuse collection and disposal) throughout the area shown on Exhibit 2.

19. There are some services and controls provided in the area shown on Exhibit 2 by Santa Fe County, the nature and extent of which consist primarily of road maintenance on major roads and most internal roads within Eldorado proper. Most roads in the other subdivisions in the area are privately maintained and receive no county support.

There are no county-maintained parks or recreational facilities within the proposed district.



The county-provided services are funded from the County General Fund. In fiscal 1996 the County budgeted \$300,000 for road maintenance throughout the entire county, including Eldorado. The level of services is generally considered adequate, but not good, by the area residents.

20. There will continue to be a need for water and sanitation services in the area shown on Exhibit 2 in the future. The population in the proposed water and sanitation district area and the surrounding area is projected to grow from 6,000 to 11,000 over the next ten years. Although the impact of current county land use planning trends toward slower growth and clustered housing in the county is not known at this time, it will not stop growth in the area completely. The current problem with water supply and delivery in the area will not stop growth completely. Currently there are approximately 1,300 future commitments to serve residential lots and commercial projects approved for development within the area.

21. The proposed water and sanitation district as shown on Exhibit 2 will most likely increase the cost of governmental services in the area slightly at first since it will require a certain level of funding to operate. This will increase the tax burden on the residents somewhat. However, it should also increase the adequacy of services significantly, offering residents a good return of their tax money.

The district, although not subject to Public Utility Commission regulation, would have its financial operations overseen by the Local Government Division of the NM Department of Finance and Administration. Water quality would be monitored through federal and state programs. The three existing water and sanitation districts in

New Mexico have not levied property taxes for either operations or capital outlay, therefore, based on this experience the taxpayer in the proposed EAW&SD should not experience any significant property tax burdens as a result of formation of the District.

22. The creation of the proposed water and sanitation district in the area shown on Exhibit 2 is expected to require an average one-time property tax levy of less than \$25 per lot on tax-payers in the district.

23. The creation of the EAW&SD in the area shown on Exhibit 2 would have little effect on adjacent areas, their mutual social and economic interests, and the local government structure of the county. The area included in the proposed water and sanitation district is bordered on all sides by unincorporated areas of Santa Fe County. On the eastern side the district is bounded mostly by the Eldorado Conservation Area ("Eldorado Wilderness"). On the southern side, it is mostly master-planned residential areas in lot sizes of 2.5 to 10 acres. This area currently does not have many homes. On the western side lies the master-planned area of Rancho Viejo, as well as the State Penitentiary and the NM National Guard facility. The Santa Fe County Water Co. serves both the latter areas and is expected to serve Rancho Viejo when it is developed. On the northern side, the district is bounded by other established subdivisions which have their own domestic water systems and by areas served by wells.

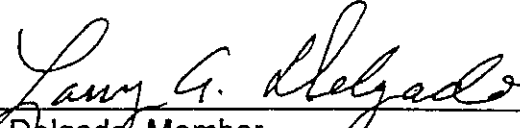
The proposed EAW&SD as shown on Exhibit 2 lies entirely within Santa Fe County and neither overlaps nor abuts any other governmental entity. The proposed district lies completely outside of the City of Santa Fe Extraterritorial Zone.

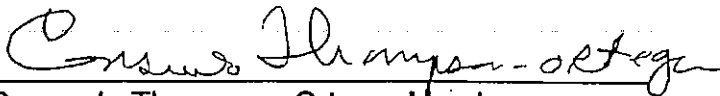
### Conclusions Of Law

1. The Santa Fe County Special District Commission personal jurisdiction of the parties and has subject matter jurisdiction to determine the questions presented by the petition pursuant to §4-53-8 NMSA 1978.
2. The proposed Eldorado Area Water And Sanitation District as shown on Exhibit 2 will have a positive impact on the governmental structure in that it will give a major portion of the residents south of Santa Fe a mechanism with which to promote the health, safety, prosperity and general welfare of the inhabitants of the proposed district.
3. The Santa Fe County Special District Commission hereby approves the formation of the Eldorado Area Water And Sanitation District and proceedings for its formation may be continued as otherwise provided by law.

Done this 19<sup>th</sup> day of December, 1996 at the Santa Fe County Courthouse,  
Santa Fe, New Mexico.

  
Francine Kern, Chairperson  
Santa Fe County Special District Commission

  
Larry Delgado, Member  
Santa Fe County Special District Commission

  
Consuelo Thompson-Ortega, Member  
Santa Fe County Special District Commission

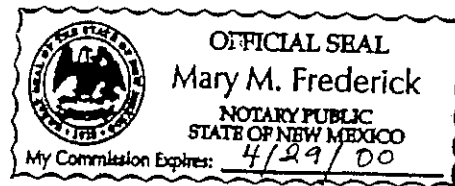
Subscribed and sworn to  
before me this 19th  
day of December, 1996.

Betty Platts  
Betty Platts, Member  
Santa Fe County Special District Commission

Herman M. Rodriguez  
Herman Rodriguez, Member  
Santa Fe County Special District Commission

Attest:

Mary M. Frederick  
~~Jona Armijo, County Clerk~~  
Mary M. Frederick, Notary  
Submitted by:



Coppler & Mannick, P.C.  
Attorneys for Petitioners  
645 Don Gaspar Avenue  
Santa Fe, NM 87501  
(505) 988-5656

Frank R. Coppler  
Frank R. Coppler

T:\FRC\MISC\3320G.DOC(CAL96)

ENDORSED

JAN - 3 1997

FIRST JUDICIAL DISTRICT COURT  
SANTA FE, RIO ARriba &  
LOS ALAMOS COUNTIES  
P.O. Box 2268  
Santa Fe, NM 87504-2268

FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE

IN RE: PETITION REQUESTING THE  
FORMATION OF THE ELDORADO  
AREA WATER AND SANITATION DISTRICT

NO. SF 97-0022 (CV)

**EX PARTE MOTION FOR ORDERS  
PROVIDING FOR NOTICE BY PUBLICATION OR  
MAILING AND ORDER FOR CONSULTATION**

COME NOW the Petitioners, by and through their attorneys, Coppler & Mannick,  
P.C. (Frank R. Coppler), and for their Motion state that:

1. The Petitioners seek formation of a water and sanitation district to serve an unincorporated area of Santa Fe County south of the City of Santa Fe.
2. The Petitioners have gathered the requisite legal signatures and filed an approved petition with the County pursuant to §73-21-6 NMSA 1978.
3. The County implemented provisions of §4-53-1 et seq. NMSA 1978 and a Special District Commission was convened and it approved the Petitioners' request and authorized them to proceed in this Court.
4. Pursuant to §73-21-9 NMSA 1978, this Court is required to conduct a hearing on the question of formation of a district.
5. Prior to conducting a hearing, notices by publication or mailing (§73-21-8 NMSA 1978) and an order for consultation by the State Engineer and Environment

Department (§73-21-9(D) NMSA 1978) are required.

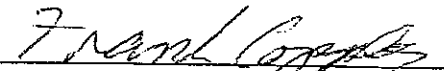
WHEREFORE, Petitioners respectfully request this Court to enter the proposed:

A. Order Setting Hearing And Requiring Notice By Publication And Registered Mail; and

B. Order Of Consultation And Request For An Opinion From The Offices Of State Engineer And The Environment Department.

Respectfully submitted,

COPPLER & MANNICK, P.C.  
Attorneys for Petitioners  
645 Don Gaspar Avenue  
Santa Fe, New Mexico 87501  
(505) 988-5656

  
Frank R. Coppler

T:\FRC\PLEADING\33201.DOC(CAL96)

**ENDORSED**  
EV  
JAN 07 1997

FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE

FIRST JUDICIAL DISTRICT COURT  
SANTA FE, RIO ARriba &  
LOS ALAMOS COUNTIES  
228 N. 228th, Santa Fe, NM 87504-228th

IN RE: PETITION REQUESTING THE  
FORMATION OF THE ELDORADO  
AREA WATER AND SANITATION DISTRICT

NO. SF 97-22

**ORDER OF CONSULTATION AND  
REQUEST FOR AN OPINION FROM THE OFFICES OF  
STATE ENGINEER AND THE ENVIRONMENT DEPARTMENT**

THIS MATTER having come on for hearing by the Court on Motion of the  
Petitioners and the Court having reviewed all matters on file, pursuant to §73-21-9(D)  
NMSA 1978,

IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The State Engineer shall provide the Court with an opinion with respect to  
water rights.
2. The Environment Department shall provide the Court with an opinion with  
regard to technological feasibility, water quality and conformance of waste disposal  
proposals to state regulations.
3. The opinion shall be filed with the Court on or before the 31 day of  
Jan, 1997.

IT IS SO ORDERED.

**RETTA JIMENEZ MAPS**  
DISTRICT COURT JUDGE

Submitted By:

COPPLER & MANNICK, P.C.  
Attorneys for Petitioners  
645 Don Gaspar Avenue  
Santa Fe, New Mexico 87501  
(505) 988-5656

  
Frank R. Coppler

T:\FRC\PLEADING\3320J.DOC(CAL96)



ENDORSED

JAN 07 1997

FIRST JUDICIAL DISTRICT COURT  
SANTA FE, RIO ARriba &  
LOS ALAMOS COUNTIES  
Box 2288, Santa Fe, NM 87504-2288

FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE

IN RE: PETITION REQUESTING THE  
FORMATION OF THE ELDORADO  
AREA WATER AND SANITATION DISTRICT

NO. SF 97- 220 ✓

NOTICE OF PENDENCY OF PROCEEDINGS

*Noted*  
The First Judicial District Court, Division I, Judge Maes, shall  
hold a hearing on 2-14, 1997, at 1:30 p.m. at the First Judicial  
District Courthouse, Santa Fe, New Mexico. Then and there, the Court will hold a  
hearing on a proposal to create an El Dorado Area Water and Sanitation District.

Martha A. Frank

First Judicial District Court Clerk

by: *E. Angelina*

Publish:

Per §14-11-10 NMSA 1978  
Once each week for four (4) consecutive weeks

**COPPLER & MANNICK, P.C.**

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW  
645 DON GASPAR AVENUE  
SANTA FE, NEW MEXICO 87501

TELEPHONE  
(505) 988-5656

TELECOPIER  
(505) 988-5704

FRANK R. COPPLER  
PAUL D. MANNICK  
GERALD A. COPPLER\*  
MARK H. SHAW  
KATHERINE A. BASHAM  
DANIEL R. RUBIN\*\*

January 8, 1997

\* also licensed in Texas  
\*\* licensed in Texas and  
Arizona only

**Via Registered Mail  
Return Receipt Requested**

Board of County Commissioners  
Santa Fe County  
Post Office Box 276  
Santa Fe, New Mexico 87504-0276

Re: In Re: Petition Requesting The Formation Of The  
Eldorado Area Water And Sanitation District  
Our File No.: 3320

Dear Commissioners:

District Judge Maes has entered an order setting hearing and requiring certain notices (copy enclosed). Please take notice that Judge Maes will hold a hearing on February 14, 1997 at 1:30 p.m. on the above (copy of notice of pendency of proceedings enclosed).

I am also enclosing for your files a copy of:

1. Petition To Authorize Formation Of A Water And Sanitation District; and
2. Ex Parte Motion For Order Providing For Notice By Publication Or Mailing And Order For Consultation.

If you have any questions, please feel free to call on me.

Very truly yours,

COPPLER & MANNICK, P.C.

  
Frank R. Coppler

FRC:cal  
Enclosures  
T:\FRC\LETTER\3320V.DOC(CAL97)

# COPPLER & MANNICK, P.C.

A PROFESSIONAL CORPORATION

FRANK R. COPPLER  
JUL D. MANNICK  
GERALD A. COPPLER\*  
MARK H. SHAW  
KATHERINE A. BASHAM  
DANIEL R. RUBIN\*\*

ATTORNEYS AND COUNSELORS AT LAW  
645 DON GASPAR AVENUE  
SANTA FE, NEW MEXICO 87501

TELEPHONE  
(505) 988-5656

TELECOPIER  
(505) 988-5704

January 8, 1997

\* also licensed in Texas  
\*\* licensed in Texas and  
Arizona only

## Via Registered Mail Return Receipt Requested

The Honorable Tom Udall  
Attorney General of New Mexico  
Bataan Memorial Building, Room 260  
407 Galisteo  
Post Office Drawer 1508  
Santa Fe, New Mexico 87504-1508

Re: In Re: Petition Requesting The Formation Of The  
Eldorado Area Water And Sanitation District  
Our File No.: 3320

Dear Attorney General Udall:

District Judge Maes has entered an order setting hearing and requiring certain notices (copy enclosed). Please take notice that Judge Maes will hold a hearing on February 14, 1997 at 1:30 p.m. on the above (copy of notice of pendency of proceedings enclosed).

I am also enclosing for your files a copy of:

1. Petition To Authorize Formation Of A Water And Sanitation District; and
2. Ex Parte Motion For Order Providing For Notice By Publication Or Mailing And Order For Consultation.

If you have any questions, please feel free to call on me.

Very truly yours,

COPPLER & MANNICK, P.C.

*Frank R. Coppler*  
Frank R. Coppler

FRC:cal  
Enclosures

T:\FRC\LETTER\3320W.DOC(CAL97)

# COPPLER & MANNICK, P.C.

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW  
645 DON GASPAR AVENUE  
SANTA FE, NEW MEXICO 87501

TELEPHONE  
(505) 988-5656

TELECOPIER  
(505) 988-5704

FRANK R. COPPLER  
PAUL D. MANNICK  
GERALD A. COPPLER\*  
MARK H. SHAW  
KATHERINE A. BASHAM  
DANIEL R. RUBIN\*\*

January 8, 1997

\* also licensed in Texas  
\*\* licensed in Texas and  
Arizona only

**Via Registered Mail  
Return Receipt Requested**

Alex Valdez, Secretary  
Department of Health  
P.O. Box 26110  
Santa Fe, New Mexico 87502-6110

Re: In Re: Petition Requesting The Formation Of The  
Eldorado Area Water And Sanitation District  
Our File No.: 3320

Dear Secretary Valdez:

District Judge Maes has entered an order setting hearing and requiring certain notices (copy enclosed). Please take notice that Judge Maes will hold a hearing on February 14, 1997 at 1:30 p.m. on the above (copy of notice of pendency of proceedings enclosed).

I am also enclosing for your files a copy of:

1. Petition To Authorize Formation Of A Water And Sanitation District; and
2. Ex Parte Motion For Order Providing For Notice By Publication Or Mailing And Order For Consultation.

If you have any questions, please feel free to call on me.

Very truly yours,

COPPLER & MANNICK, P.C.

*Frank R. Coppler*  
Frank R. Coppler

FRC:cal  
Enclosures

T:\FRC\LETTER\3320AA.DOC(CAL97)

**COPPLER & MANNICK, P.C.**

A PROFESSIONAL CORPORATION

FRANK R. COPPLER  
L. D. MANNICK  
GERALD A. COPPLER\*  
MARK H. SHAW  
KATHERINE A. BASHAM  
DANIEL R. RUBIN\*\*

ATTORNEYS AND COUNSELORS AT LAW  
645 DON GASPAR AVENUE  
SANTA FE, NEW MEXICO 87501

TELEPHONE  
(505) 988-5656

TELECOPIER  
(505) 988-5704

January 8, 1997

\* also licensed in Texas  
\*\* licensed in Texas and  
Arizona only

**Via Registered Mail  
Return Receipt Requested**

Mr. Mark Weidler  
Office of the Secretary  
Environmental Department  
P.O. Box 26110  
Santa Fe, New Mexico 87502

Re: In Re: Petition Requesting The Formation Of The  
Eldorado Area Water And Sanitation District  
Our File No.: 3320

Dear Secretary Weidler:

District Judge Maes has entered an order setting hearing and requiring certain notices (copy enclosed). Please take notice that Judge Maes will hold a hearing on February 14, 1997 at 1:30 p.m. on the above (copy of notice of pendency of proceedings enclosed).

I am also enclosing for your files a copy of:

1. Petition To Authorize Formation Of A Water And Sanitation District; and
2. Ex Parte Motion For Order Providing For Notice By Publication Or Mailing And Order For Consultation.

If you have any questions, please feel free to call on me.

Very truly yours,

COPPLER & MANNICK, P.C.

*Frank Coppler*  
Frank R. Coppler

FRC:cal  
Enclosures  
T:\FRC\LETTER\3320Y.DOC(CAL97)

# COPPLER & MANNICK, P.C.

A PROFESSIONAL CORPORATION

ATTORNEYS AND COUNSELORS AT LAW  
645 DON GASPAR AVENUE  
SANTA FE, NEW MEXICO 87501

TELEPHONE  
(505) 988-5656

TELECOPIER  
(505) 988-5704

FRANK R. COPPLER  
PAUL D. MANNICK  
GERALD A. COPPLER\*  
MARK H. SHAW  
KATHERINE A. BASHAM  
DANIEL R. RUBIN\*\*

January 8, 1997

\* also licensed in Texas  
\*\* licensed in Texas and  
Arizona only

**Via Registered Mail  
Return Receipt Requested**

Duke Rodriguez, Secretary  
Human Services Department  
Post Office Box 2348  
Santa Fe, New Mexico 87504-2348

Re: In Re: Petition Requesting The Formation Of The  
Eldorado Area Water And Sanitation District  
Our File No.: 3320

Dear Secretary Rodriguez:

District Judge Maes has entered an order setting hearing and requiring certain notices (copy enclosed). Please take notice that Judge Maes will hold a hearing on February 14, 1997 at 1:30 p.m. on the above (copy of notice of pendency of proceedings enclosed).

I am also enclosing for your files a copy of:

1. Petition To Authorize Formation Of A Water And Sanitation District; and
2. Ex Parte Motion For Order Providing For Notice By Publication Or Mailing And Order For Consultation.

If you have any questions, please feel free to call on me.

Very truly yours,

COPPLER & MANNICK, P.C.

  
Frank R. Coppler

FRC:cal  
Enclosures  
T:\FRC\LETTER\3320Z.DOC(CAL97)

**ENDORSED**

JAN 07 1997

*EV*

FIRST JUDICIAL DISTRICT COURT  
SANTA FE AND SANTIAGO COUNTIES  
LOS ALAMOS COUNTY  
P.O. Box 2280, Santa Fe, NM 87504-2280

FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE

IN RE: PETITION REQUESTING THE  
FORMATION OF THE ELDORADO  
AREA WATER AND SANITATION DISTRICT

NO. SF 97- 22

**ORDER SETTING HEARING AND REQUIRING  
NOTICE BY PUBLICATION AND REGISTERED MAIL**

THIS MATTER having come on for hearing by the court on Motion of the  
Petitioner and the Court having reviewed all matters on file, pursuant to §73-21-8,  
NMSA 1978,

IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. The District Court Clerk shall cause notice by publication to be made of  
the pendency of the petition and of the time and place of hearing thereon.
2. The District Court Clerk shall forthwith cause a copy of the notice to be  
mailed by United States registered mail to the Board of County Commissioners of Santa  
Fe County, the Attorney General of New Mexico and the Health and Social Services  
and Health and Environment Departments of New Mexico.
3. This Court shall conduct a hearing on creation of an Eldorado Area Water  
And Sanitation District on the 14 day of Feb, 1997 at the First Judicial  
District Complex, Santa Fe, New Mexico. @ 1:30pm

IT IS SO ORDERED.

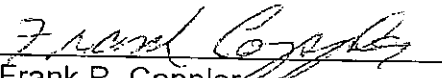
PETRA JIMENEZ MAES

---

DISTRICT COURT JUDGE

Submitted By:

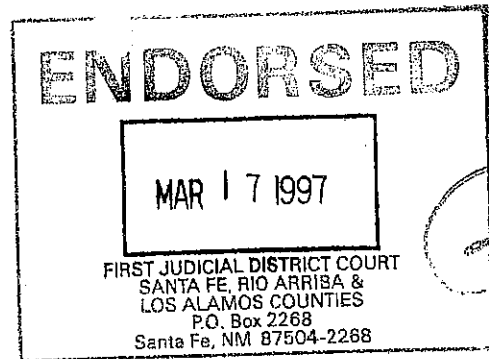
COPPLER & MANNICK, P.C.  
Attorneys for Petitioners  
645 Don Gaspar Avenue  
Santa Fe, New Mexico 87501  
(505) 988-5656

  
Frank R. Coppler

T:\FRC\PLEADING\3320G.DOC(CAL96)



FIRST JUDICIAL DISTRICT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE



IN RE: PETITION REQUESTING THE  
FORMATION OF THE ELDORADO  
AREA WATER AND SANITATION DISTRICT

No. 97-0022 C

**MOTION TO ORDER DISTRICT COURT CLERK TO PUBLISH NOTICE OF  
ELECTION AND TO WAIVE BOND FOR ELECTION EXPENSES**

COMES NOW, Petitioners, by and through their attorneys, Coppler & Mannick  
(Frank R. Coppler) and for their Motion to Order District Court Clerk to Publish Notice of  
Election and to Waive Bond for Election Expenses state:

1. This court has entered its Order determining the total number of taxpaying  
electors residing within the proposed district and ordering an election on organizing the  
district and first election of directors on February 14, 1997.

2. §73-21-9 G, NMSA 1978 requires the court by order to designate polling  
places, appoint election judges and clerks and cause notice by publication of an  
election to be held in the district.

3. The election judges and clerks then conduct the election in the manner  
provided by the notice of election.

4. Attached hereto is a Special Election Notice issued by the Clerk of the  
First Judicial District Court. The Notice is in compliance with §73-21-9 G, NMSA 1978.

5. The Petitioners request bond for election expenses be waived and as  
grounds therefore represent to the court that the costs of the election, judges, clerks,

printing, publishing and any other expenses will be paid by petitioners as they are accrued.

WHEREFORE, this court is requested to enter an Order adopting by reference the proposed Special Election Notice issued by the Clerk of the First Judicial District Court and waiving bond for election expenses.

Submitted by:

COPPLER & MANNICK, P.C.  
Attorneys for Petitioners  
645 Don Gaspar Avenue  
Santa Fe, NM 87501  
(505) 988-5656

  
\_\_\_\_\_

FIRST JUDICIAL DISTRICT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE

IN RE: PETITION REQUESTING THE  
FORMATION OF THE ELDORADO  
AREA WATER AND SANITATION DISTRICT

No. 97-0022 C

**SPECIAL ELECTION NOTICE ISSUED BY THE CLERK OF THE FIRST JUDICIAL  
DISTRICT COURT**

WHEREAS, a determination by the County Commission of Santa Fe County at its July 1996 meeting has been made that a petition signed by not less than twenty-five percent (25%) of the taxpaying electors of the proposed Eldorado Area Water and Sanitation District (the "district") has been properly filed and meets the requirements of § 3-1-5G, NMSA 1978, and

WHEREAS, pursuant to § 4-53-1 et. seq. NMSA 1978 the question of formation of the district was referred to the Santa Fe County Special District Commission which on December 19, 1996 approved formation of the district and authorized proceedings for its formation to continue, and

WHEREAS, pursuant to § 73-21-6 NMSA 1978 the District Court approved formation of the district and on February 14, 1997 ordered that a special election be held wherein resident registered qualified elector taxpayers in the district be allowed to vote on organizing the district and if that question carries then also to vote on the election of an initial three member board of directors of the district pursuant to

§ 73-21-9, NMSA 1978.

NOW, THEREFORE, NOTICE IS HEREBY GIVEN THAT:

1. A special election shall be held on July 1, 1997.

2. The purpose of the special election is to decide whether the territory described in the order of the District Court entered February 14, 1997 should be organized as a Water and Sanitation District called the Eldorado Area Water and Sanitation District and if the organization issue carries, the election of the initial three member board of directors of the district.

3. The question to be voted upon shall be:

Shall the territory described as shown on the attached map and marked Exhibit

1.

AND TO BE KNOWN AS THE ELDORADO AREA WATER AND SANITATION DISTRICT BECOME A WATER AND SANITATION DISTRICT:

For Organization ☐

Against Organization ☐

An additional question to be voted upon shall be:

If the district is organized, shall the following persons be elected to serve as the district directors (vote for three):

Position 1

For the term ending at the biennial elections of 1999

Position 2

For the term ending at the biennial elections in 2001

Position 3

For the term ending at the biennial elections in 2003

4. Declarations of candidacy shall be filed with the office of the Clerk of the District Court, First Judicial District in Santa Fe at least 56 days prior to the election, said date being on or before the 6th day of May, 1997 at 5:00 p.m. Declarations shall be filed in First Judicial District Court, State of New Mexico, County of Santa Fe, No. SF 97-0022 (CV), at the office of the District Court Clerk.

5. The election shall be held in the area proposed to be organized and the polling place shall be the Eldorado Community Center. A plat or map of the territory is on file in the Office of the District Clerk in cause No. SF 97-0022 (CV). The precincts in which the election is to be held is 69 and 71 which for the purposes of this election, is consolidated into one precinct and the polling place shall be the Eldorado Community Center.

6. Pursuant to §73-21-9 G. NMSA 1978 the following three taxpaying electors of the district shall be judges of the election:

Patricia Lavengood

David Burdett

Carol A. Nickell

and the following two taxpaying electors of the district shall be clerks of the election:

Sally Garcia

Eloy Garcia

7. The polling place shall be open from 7:00 a.m. to 7:00 p.m. July 1, 1997.

8. This Notice shall be published in the Santa Fe New Mexican on March 28,

April 4, April 11 and April 18, 1997.

9. Any registered voter who is a resident of the territory proposed to be organized as a water and sanitation district and who has either paid or incurred a general tax liability on real property within the area in the past twelve months or who is purchasing real property therein under a real estate contract where a property tax has been paid or incurred may vote on the question of incorporating the territory as a water and sanitation district.

To be a registered voter, you must be a citizen of the United States, at least 18 years of age on the date of the election and a resident of Santa Fe County, New Mexico. You must reside in the territory proposed to be organized as a water and sanitation district. If you wish to vote in the special election and are not now a registered voter residing in the territory proposed to be organized as a water and sanitation district, you should register during regular business hours at the office of the County Clerk of Santa Fe County, at the Santa Fe County Courthouse complex in Santa Fe, New Mexico, at the Department of Motor Vehicles or at any other state agency authorized to register voters, prior to close of business June 3, 1997. No

special registration for the election is required, but for the purpose of determining qualifications of electors, the judges may use the last official registry lists of electors residing in the district, and, in addition, they may require the execution of an affidavit concerning the qualifications of any elector.

10. Early voting will be permitted in the manner authorized by law. Regular voting on the date of election shall be by paper ballot. Early voting shall be conducted at the Eldorado Community Center and shall be by paper ballot.

11. This Notice shall be posted March 28, 1997 at the Eldorado Community Center and the Office of the County Clerk of the First Judicial District Court.

12. This Notice shall be printed in English and Spanish.

---

MARTHA FRANK,  
CLERK OF THE FIRST JUDICIAL  
DISTRICT COURT, COUNTY OF SANTA FE

Publish:

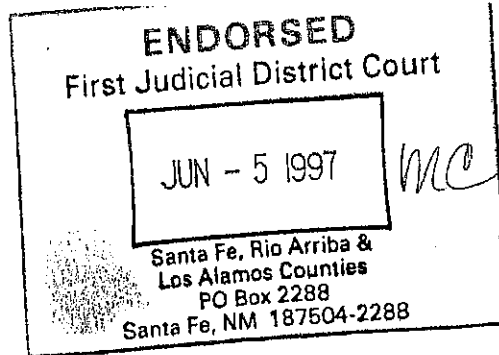
March 28, 1997  
April 4, 1997  
April 11, 1997  
April 18, 1997

Post:

District Court Clerk's Office  
March 28, 1997  
Eldorado Community Center  
March 28, 1996

T:\FRC\MISC\3320H.DOC (RG97)

FIRST JUDICIAL DISTRICT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE



IN RE: PETITION REQUESTING THE  
FORMATION OF THE ELDORADO  
AREA WATER AND SANITATION DISTRICT

No. 97-0022 C

ORDER

THIS MATTER coming on for hearing on the First Judicial District Court Clerk's Certificate of Candidacy, the Court reviewing all matters of record and the Certificates of Candidacy of the Clerk,

IT IS ORDERED that attached hereto and incorporated herein as Exhibit "A" is a copy of the Official Election Ballot, the question and the candidates therein shall be submitted to the voters.

IT IS FURTHER ORDERED that the request by Gene Hagburg to be certified as a candidate for Position Three is denied as untimely.

IT IS SO ORDERED.

DISTRICT COURT JUDGE

Submitted by:

COPPLER & MANNICK, P.C.  
Attorneys for Petitioner  
645 Don Gaspar Avenue  
Santa Fe, New Mexico 87501  
(505) 988-5656

Frank R. Coppler



**OFFICIAL ELECTION BALLOT**  
**ELDORADO AREA WATER AND SANITATION DISTRICT ELECTION**  
County of Santa Fe, New Mexico  
Election Held July 1, 1997

**BOLETA OFICIAL DE ELECCION**  
**ELECCION DE ESPECIAL**  
Condado de Santa Fe, Nuevo México  
Elección tenida el día Primero de Julio, 1997

**INSTRUCTIONS TO VOTER:** To vote on the question, mark a cross (X) or a check (I) indicating your preference.

**INSTRUCCIONES A VOTANTE:** Para votar por la pregunta, marque una cruz (X) o un check (I) para indicar su preferencia.

**QUESTION:** Shall the territory described as shown on the map marked Exhibit "A." to the Petition filed in Cause No. 97-0022C, First Judicial District Court, State of New Mexico, and to be known as the Eldorado Area Water And Sanitation District become a water and sanitation district?

**PREGUNTA:** Debe ser organizado el territorio mostrado en el mapa marcado Exhibición "A." en la Petición Número 97-0022 C registrada con el Primer Distrito Judicial del Estado de Nuevo México y que será llamada El Distrito de Agua y Sanitación del área El Dorado en un distrito de agua y sanitación?

For Organization - Para Organización ..... ☐

Against Organization - Contra Organización ..... ☐

**INSTRUCTIONS TO VOTER:** To vote for a person, mark a cross (X) or a check (I) in the square (☐) at the right of the name of each person for whom you desire to vote. Each voter should vote on each of the three positions.

**INSTRUCCIONES A VOTANTE:** Para votar por una persona marque una cruz (X) o un check (I) en el cuadro (☐) a la derecha del nombre de cada persona por quién Ud. desea votar. Cada persona debe votar por cada uno de los tres puestos de directores.

**FOR DIRECTOR**  
**POR DIRECTOR**

• **POSITION ONE - POSICIÓN UNO**

Two Year Term - Término de Dos Años

VOTE FOR ONE - VOTE POR UNO

Ray Nichols ..... ☐

Betty Platts ..... ☐

• **POSITION TWO - POSICIÓN DOS**

Four Year Term - Término de Cuatro Años

VOTE FOR ONE - VOTE POR UNO

Don Dayton ..... ☐

Joe Auburg ..... ☐

• **POSITION THREE - POSICIÓN TRES**

Six Year Term - Término de Seis Años

VOTE FOR ONE - VOTE POR UNO

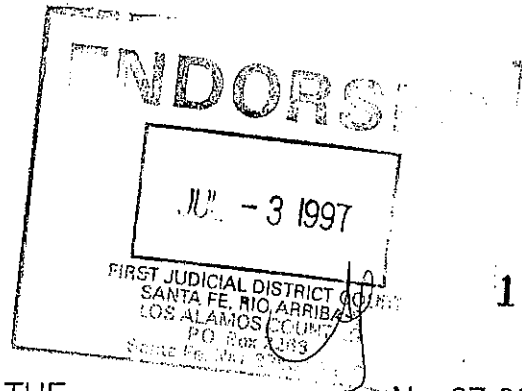
Dick Chenault ..... ☐

**OFFICIAL ELECTION BALLOT - BOLETA OFICIAL DE ELECCIÓN**

Clerk - Escribana Martha Frank

EXHIBIT "A" TO ORDER

FIRST JUDICIAL DISTRICT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE



1389973

IN RE: PETITION REQUESTING THE  
FORMATION OF THE ELDORADO  
AREA WATER AND SANITATION DISTRICT

No. 97-0022 C

**ORDER DECLARING THE ELDORADO  
AREA WATER AND SANITATION DISTRICT A CORPORATION  
AND CONFIRMING THE ELECTION RESULTS**

The matter came before the Court on July 3, 1997 at 2:00 p.m., the Court being aware of all matters of record on file, the Petitioners being present and represented by their attorneys, Coppler & Mannick, P.C., (Frank R. Coppler) and the Court, being otherwise fully advised in the premises, finds:

1. This Court is the proper venue and has jurisdiction of the parties and subject matter of this action pursuant to NMSA 1978, § 73-21-9.

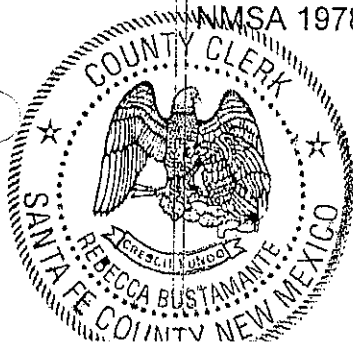
2. A determination by the County Commission of Santa Fe County at its July 1996 meeting has been made that a petition signed by not less than twenty-five percent (25%) of the taxpaying electors of the proposed Eldorado Area Water and Sanitation District (the "district") has been properly filed and meets the requirements of

NMSA 1978, § 3-1-5G.

COUNTY OF SANTA FE  
STATE OF NEW MEXICO

I hereby certify that this instrument was filed for  
record on the 10th day of July A.D.  
1997 at 3:20 o'clock PM and  
was duly recorded in book 1387 page  
273 of the records of Santa Fe County.

982 Witness my Hand and Seal of Office  
Rebecca Bustamante  
County Clerk, Santa Fe County, NM



Deputy

3. Pursuant to NMSA 1978, § 4-53-1 et seq., the question of formation of the district was referred to the Santa Fe County Special District Commission which, on December 19, 1996, approved formation of the district and authorized proceedings for its formation to continue.

1389974

4. Pursuant to NMSA 1978, § 73-21-6, the District Court approved formation of the district and, on February 14, 1997, ordered that a special election be held wherein resident registered qualified elector taxpayers (hereinafter "voters") in the district be allowed to vote on organizing the district and, if that question carried by a majority vote, then the voters would also vote on the election of an initial three-member board of directors of the district pursuant to NMSA 1978, § 73-21-9.

5. Notice of the election was duly published in the Santa Fe New Mexican on March 28, April 4, April 11 and April 18, 1997. The Notice was also posted March 28, 1997 at the Eldorado Community Center and at the Office of the First Judicial District Court Clerk, 100 Catron, Santa Fe, New Mexico, and at the Contract Branch of the United States Post Office at the Agora Shopping Center in Eldorado. The Notice was printed in English and Spanish.

6. The special election was held on July 1, 1997 and prior to that date early voting was conducted by the Clerk of the First Judicial District Court from June 11,

1997 through June 28, 1997.

7. The purpose of the special election was to decide whether the territory described in the Order of the District Court entered February 14, 1997 should be organized as a water and sanitation district called the Eldorado Area Water and Sanitation District and if the organization issue carried, the election of the initial three-member board of directors of the district.

1389975

8. The election was held in the area proposed to be organized. The election was held in precincts 69 and 71 which, for the purposes of this election, were consolidated into one precinct and the polling place was at the Eldorado Community Center. Regular voting on the date of election was by voting machine.

9. Pursuant to NMSA 1978, § 73-21-9G, the following three taxpaying electors of the district acted as the judges of the election:

Patricia Lavengood

David Burdett

Carol A. Nickell

and the following two taxpaying electors of the district acted as clerks of the election:

Sally Garcia

Eloy Garcia

10. The polling place was open from 7:00 a.m. to 7:00 p.m. July 1, 1997.

11. The judges of the election have certified the returns of the election to this Court and the certificate is attached hereto as Exhibit "A" and is incorporated herein.

1389976

12. The corporate surety bond in an amount of up to \$1,000.00 per Director should be waived at this time because the district has no funds or assets to be protected.

13. Attached hereto as Exhibit "B" is the Affidavit of Michelle Ovalle, Deputy Clerk of the First Judicial District Court, setting forth and affirming the facts as recited herein.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

A. The district is declared organized.

B. The corporate name by which in all proceedings it shall hereafter be known is the Eldorado Area Water And Sanitation District.

C. The first Board of Directors of the district for terms beginning July 1, 1997, shall be:

Ray Nichols for a two-year term

Don Dayton for a four-year term

Dick Chenault for a six-year term.

D. The corporate surety bonds of the first Board of Directors as required by NMSA 1978, § 73-21-11 are hereby waived.

1389977

HEREAFTER, the district shall be a governmental subdivision of the State of New Mexico, a body corporate with all the powers of a public or quasi-municipal corporation.

IT IS SO ORDERED.

  
DISTRICT COURT JUDGE

Submitted by:

COPPLER & MANNICK, P.C.  
Attorneys for Petitioner  
645 Don Gaspar Avenue  
Santa Fe, New Mexico 87501  
(505) 988-5656

  
Frank R. Coppler

T:\FRC\PLEADING\3320AD.DOC (CAL97)

## NEW MEXICO

19.27.

QUESTIONS ON CANDIDATES	FOR	AGAINST	RAY NICHOLS	BETTY PLATTSDAYTON	DON AUBURG	DICK CHENAU	EUGENE HAGBURG	TOTAL VOTES CAST
69 & 71	399	54	249	189	354	74	297	107
RLY VOTE	28	1	10	20	21	9	25	2
TOTALS	427	55	259	209	375	83	322	109

Witness our signatures this 2nd day of July, 1997

Attest:

Try to follow

Acting  
Clerk.

Vol 1/100  
Frank Cozzolino  
Michelle Orack

Early Vote

2 - Not counted - ① was blank for the question  
① marked by question

28 - for

1 - against

---

31 - Early Ballots

1389979

467 cast vote on AUC Machine; signed Roster & affidavit.

4 individuals signed Roster but were not eligible to vote. These individuals did not vote or sign an affidavit.



FIRST JUDICIAL DISTRICT COURT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE

1389980

IN RE: PETITION REQUESTING THE  
FORMATION OF THE ELDORADO  
AREA WATER AND SANITATION DISTRICT

NO. SF 97-22

**AFFIDAVIT WITH RESPECT TO  
MATTERS OF RECORD AND CONDUCT OF THE ELECTION**

I, Michelle Ovalle, being first duly sworn on my oath, depose and state:

1. I am a Deputy Clerk of the First Judicial District Court Clerk and have served in that capacity at least since the filing of this cause and continuously thereafter. I give this Affidavit of my own personal knowledge, information and belief.

2. Notice of the election was duly published in the Santa Fe New Mexican on March 28, April 4, April 11 and April 18, 1997. The Notice was also posted March 28, 1997 at the Office of the First Judicial District Court Clerk, 100 Catron, Santa Fe, New Mexico.

3. The special election was held on July 1, 1997 and prior to that date early voting was conducted by the Clerk of the First Judicial District Court from June 11, 1997 through June 28, 1997.

Exhibit "B"  
to

Order Declaring The Eldorado Area Water And Sanitation District  
A Corporation And Confirming The Election Results

4. The purpose of the special election was to decide whether the territory described in the Order of the District Court entered February 14, 1997 should be organized as a water and sanitation district called the Eldorado Area Water and Sanitation District and if the organization issue carried, the election of the initial three-member board of directors of the district.

1389981

5. The election was held in the area proposed to be organized. The election was held in precincts 69 and 71 which, for the purposes of this election, were consolidated into one precinct and the polling place was at the Eldorado Community Center. Regular voting on the date of election was by voting machine.

6. Pursuant to NMSA 1978, § 73-21-9G, the following three taxpaying electors of the district acted as the judges of the election:

Patricia Lavengood

David Burdett

Carol A. Nickell

and the following two taxpaying electors of the district acted as clerks of the election:

Sally Garcia

Eloy Garcia

7. The polling place was open from 7:00 a.m. to 7:00 p.m. July 1, 1997.

8. The judges of the election have certified the returns of the election to this Court and the certificate is attached to the *Order Declaring The Eldorado Area Water And Sanitation District A Corporation And Confirming The Election Results* as Exhibit "A" and is incorporated therein.

1389982

9. I personally supervised the early voting and the voting on election day.

10. The results of the election were that the question of organizing the district carried by a plurality of the votes and that Ray Nichols was elected Director for a two-year term, Don Dayton was elected Director for a four-year term and Dick Chenault was elected Director for a six-year term.

FURTHER, AFFIANT SAYETH NAUGHT.

*Michelle Ovalle*

Michelle Ovalle, Deputy Clerk  
First Judicial District Court

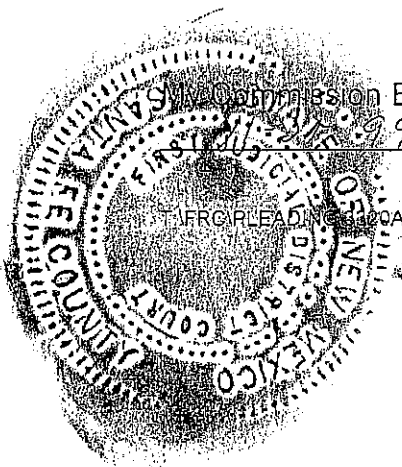
STATE OF NEW MEXICO )  
 ) ss.  
COUNTY OF SANTA FE )

SUBSCRIBED and SWORN to before me this 3<sup>rd</sup> day of July, 1997 by Michelle Ovalle, Deputy Clerk of the First Judicial District Court.

*Rebecca Smith*  
Notary Public

Commission Expires: 11/15/99

FFRCLEADING3120AE.DOC(CAL97)



I hereby certify that the foregoing pleading is a true and correct copy of same which has been filed in

my office on the 3 day of July, 1997  
Dated this 10 day of July, 1997

MARTHA A. FRANK  
District Court Clerk

By *Jessica Encinas*  
Deputy

FIRST JUDICIAL DISTRICT  
STATE OF NEW MEXICO  
COUNTY OF SANTA FE

IN RE: PETITION REQUESTING THE  
FORMATION OF THE ELDORADO  
AREA WATER AND SANITATION DISTRICT

No. 97-0022 C

DECLARATION OF CANDIDACY

STATE OF NEW MEXICO       )  
  ) ss.  
COUNTY OF SANTA FE       )

First Election Of Board Of Commissioners

I, \_\_\_\_\_, being first duly sworn upon oath, do hereby state for my affidavit that:

I, \_\_\_\_\_, hereby declare that I am a candidate for the office of Commissioner, Position \_\_\_\_\_, for a \_\_\_\_\_-year term to be elected at the first election of officers of the Eldorado Area Water And Sanitation District to be held on July 1, 1997.

I affirm that my name and resident address as stated in this Declaration of Candidacy are identical to my name and resident address in my affidavit of voter registration on file with the County Clerk of Santa Fe County, New Mexico.

I affirm that I am an owner of real property or am purchasing real property inside the area of the proposed Eldorado Area Water And Sanitation District and am a registered, qualified elector residing in the area.

I affirm that I am eligible and legally qualified to hold the office for which I have declared my candidacy.

I affirm that I have not been convicted of a felony. (-or-) I affirm that I have been convicted of a felony and that my elective franchise has been restored.

I affirm that I, or my authorized representative, shall personally appear at the Office of the Santa Fe County Clerk of the First Judicial District Court, County of Santa Fe,

during normal business hours on the 6th day of May, 1997, to ascertain whether the Clerk has certified my Declaration of Candidacy as valid.

I affirm that I, or my authorized representative can be reached at the following telephone number for purpose of receiving telephone notice: \_\_\_\_\_ or \_\_\_\_\_.

I affirm that this Declaration of Candidacy is an affidavit under oath and that any false statement knowingly made herein constitutes a fourth degree felony under the laws of New Mexico.

\_\_\_\_\_  
Signature of Candidate

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

**Attach a certified copy of current Affidavit of Voter Registration on file with the County Clerk, which has been certified by the Office of the County Clerk on a date not later than May 6, 1997; or the voter identification card which has been stamped by the Office of the County Clerk as accepted for filing on a date not later than May 6, 1997. Also attach a copy of an official property tax bill for the last year immediately preceding the election in which property taxes have been assessed against property owned by or being purchased by the candidate and lying within the area to be included in the proposed Eldorado Area Water And Sanitation District.**

CERTIFICATE OF VALIDITY OF  
DECLARATION OF CANDIDACY

---

DECLARATION OF CANDIDACY OF \_\_\_\_\_

---

FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1997.

(SEAL)

---

Martha Frank, Clerk of the  
First Judicial District Court,  
County of Santa Fe

---

CERTIFICATION

I hereby certify that \_\_\_\_\_ is a candidate in  
the Special Election of the Eldorado Area Water And Sanitation  
District to be held on July 1, 1997, for the Office of Commissioner,  
Position \_\_\_\_\_.

(SEAL)

---

Martha Frank, Clerk of the  
First Judicial District Court,  
County of Santa Fe

RESOLUTION NO. 04-01-\_\_\_\_  
ELDORADO AREA WATER & SANITATION DISTRICT  
OPEN MEETINGS RESOLUTION

January 14, 2004

WHEREAS, the Board of Directors (the "Board") of the Eldorado Area Water & Sanitation District (the "District") met in regular session at 1 Hacienda Loop, Eldorado at Santa Fe, New Mexico at 7:00 p.m. on January 14, 2004 as per law; and

WHEREAS, Section 10-15-1(B) of the Open Meetings Act (NMSA 1978, Sections 10-15-1 through 10-15-4) states that, except as may be otherwise provided in the constitution of New Mexico or the Open Meetings Act, all meetings of a quorum of members of any board, commission, administrative adjudicatory body or other policymaking body of any state agency or political subdivision, held for the purpose of formulating public policy, discussing public business, or taking any action within the authority of or the delegated authority of such body are declared to be public meetings open to the public at all times; and

WHEREAS, any meeting subject to the Open Meetings Act held for the purpose of formulating public policy, including the development of personnel policy, rules, regulations or ordinances, discussing public business or for the purpose of taking any action within the authority of or the delegated authority of the body so meeting, shall be held only after reasonable notice to the public; and

WHEREAS, the District is a quasi-municipal local governmental body subject to the provisions of the Open Meetings Act; and

WHEREAS, pursuant to Section 10-15-1(D) of the Open Meetings Act it is incumbent upon the Board to determine annually what notice for a public meeting of the Board is reasonable.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Eldorado Area Water & Sanitation District that:

1. All meetings of the Board shall be held in accordance with the annual schedule of meetings adopted by the Board, provided, however, that dates and locations of meetings may be established by the Board from time to time and notice of such dates and locations shall be provided as appropriate.
2. Regular meetings of the Board shall be held monthly. A proposed agenda shall be available at least twenty-four (24) hours prior to the regular meeting at the District's offices located at the Eldorado Community Center, 1 Hacienda Loop, Eldorado at Santa Fe, New Mexico. Notice of regular meetings shall be given at least seven (7) days in advance of the meeting date.

3. Public hearings may be held as necessary to gain public input on major issues regarding the District and shall be scheduled at the call of the Chairman or by a majority of the members of the Board. Notice of public hearings shall be given at least seven (7) days in advance of the hearing date.
4. Special meetings of the Board shall be called by the Chairman or by a majority of the members of the Board upon no less than one (1) day notice.
5. Informational and educational meetings with other governmental agencies, legislative representatives, and educational institutions may be called by the Chairman or by a majority of the members of the Board upon no less than one (1) day notice. No decisions on matters of public policy or relating to public business will be made at such informational and educational meetings.
6. Emergency meetings shall be called only when necessary to address unforeseen circumstances that if not addressed immediately by the District would likely result in injury or damage to persons or property or substantial loss to the District. The Board shall avoid emergency meetings whenever possible. Emergency meetings shall be called by the Chairman or by a majority of the Board members upon at least eight (8) hours notice, unless the gravity of the unforeseen circumstances requires less notice.
7. For the purposes of regular meetings and public hearings as described in Paragraphs 2 and 3 of this Resolution, notice requirements shall be met if notice of the date, time, place and general subject matter to be discussed is placed in a daily, tri-weekly, semi-weekly or weekly newspaper of general circulation in Santa Fe County, unless good cause exists to forego such publication. In addition, such written notice shall be posted at the District's offices and at the Agora Shopping Center on Avenida Vista Grande in Eldorado.
8. For the purposes of special meetings, emergency meetings, and informational and educational meetings as described in Paragraph 4, 5 and 6 of this Resolution, notice requirements shall be met by posting a notice at the District's offices.
9. Notice of Board meetings shall be provided by mail, telefax, or e-mail to any broadcast station licensed by the federal communications commission or newspaper of general circulation that has submitted to the Board a written request for such notice.
10. Meetings of the Board may be closed to the public only if the subject matter of the discussion or action is exempted from the open meetings requirement under Section 10-15-1(H) of the Open Meetings Act.
  - (a) If any meeting is closed during an open meeting, such closure shall be approved by a majority vote of a quorum of the Board taken during the open meeting. The authority for the closure and the subjects to be discussed shall be stated in the motion for closure and the vote on closure of each individual member shall be recorded in the



minutes. Only those items specified in the motion may be discussed in the closed meeting.

(b) If the decision to hold a closed meeting is made when the Board is not in open meeting, the closed meeting shall not be held until public notice appropriate under the circumstances and stating the specific provisions of law authorizing the closed meeting and the subjects to be discussed is given to the members of the Board and to the general public by posting a notice at the District's offices.

(c) Except as provided in Section 10-15-1(H) of the Open Meetings Act, any action taken as a result of discussions in a closed meeting shall be made by vote of the Board in an open public meeting.

11. Following completion of any closed meeting of the Board, the minutes of the open meeting that was closed, or the minutes of the next open meeting if the closed meeting was separately held, shall state that the matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of the separate closed meeting. This statement shall be approved by the Board as a part of the minutes.

12. The Board shall keep written minutes of all regular, special and emergency meetings. No minutes shall be required for informational and educational meetings as described herein. Minutes shall include as a minimum the date, time, and place of the meetings, the names of Board members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each Board member voted. All minutes are open to public inspection. Draft minutes shall be prepared within ten (10) working days after the meeting and shall be approved, amended or disapproved at the next regular monthly meeting when a quorum is present. Minutes shall not become official until approved by the Board.

13. Provision shall be made for persons with handicaps to be able to attend and fully participate at regular meetings, public hearings, and special meetings of the Board, except only during closed meetings as described in Section 10 of this Resolution.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE ELDORADO AREA WATER & SANITATION DISTRICT on the 14th day of January, 2004.

\_\_\_\_\_  
Raymond L. Nichols, Jr.  
President

\_\_\_\_\_  
Sydney B. Lumbers  
Treasurer

\_\_\_\_\_  
Eugene C. Hagburg  
Secretary

T:\JLAW\MISC\332008B.DOC (5/26/04)

No. \_\_\_\_\_

**OFFICIAL ELECTION BALLOT**  
**ELDORADO AREA WATER AND SANITATION DISTRICT ELECTION**  
Eldorado, New Mexico  
Election Held July 1, 1997

**BOLETA OFICIAL DE ELECCION**  
**ELECCION DE ESPECIAL**  
Condado de Santa Fe, Nuevo México  
Elección tenida el día Primero de Julio, 1997.

**INSTRUCTIONS TO VOTER:** To vote on the question, mark a cross (X) or a check (✓) indicating your preference.

**INSTRUCCIONES A VOTANTE:** Para votar por pregunta, marque una cruz (X) o un check (✓) indicar tu preferencia.

**QUESTION:** Shall the territory described as shown on the map marked Exhibit "A." to the Petition filed in Cause No. 97-0022C, First Judicial District Court, State of New Mexico, and to be known as the Eldorado Area Water And Sanitation District become a water and sanitation district?

**PREGUNTA:** Debe ser organizado el territorio monstrado en el mapa marcado Exhibición "A." en la Petición Número 97-0022 C registrada con el Primer Distrito Judicial del Estado de Nuevo Méjico y que será llamada El Distrito de Agua y Sanitación del área El Dorado en un distrito de agua y sanitación?

For Organization - Para Organización ..... ☐

Against Organization - Contra Organización ..... ☐

**INSTRUCTIONS TO VOTER:** To vote for a person, mark a cross (X) or a check (✓) in the square (□) at the right of the name of each person for whom you desire to vote. Each voter should vote on each of the three positions.

**INSTRUCCIONES A VOTANTE:** Para votar por una persona marque una cruz (X) o un check (✓) en el cuadro (□) a la derecha del nombre de cada persona por quién Ud. desea votar. Cada persona debe votar por cada uno de los tres puestos de comisionados.

**FOR COMMISSIONER**  
**POR COMISIONADO**

• **POSITION ONE - POSICIÓN UNO**

Two Year Term - Termino de Dos Años

VOTE FOR ONE - VOTE POR UNO

..... ☐

..... ☐

• **POSITION TWO - POSICIÓN DOS**

Four Year Term - Termino de Cuatro Años

VOTE FOR ONE - VOTE POR UNO

..... ☐

..... ☐

• **POSITION THREE - POSICIÓN TRES**

Six Year Term - Termino de Seis Años

VOTE FOR ONE - VOTE POR UNO

..... ☐

..... ☐

**OFFICIAL ELECTION BALLOT - BOLETA OFICIAL DE ELECCION**

Clerk - Escribana Martha Frank

I \_\_\_\_\_ do solemnly, sincerely and truly declare and affirm ; that I \_\_\_\_\_ will support the constitution of the United States and the constitution and laws of the state of New Mexico, and that I \_\_\_\_\_ will faithfully and impartially discharge the duties of director of the Eldorado Area Water and Sanitation District to the best of my ability. And this I do under the pains and penalties of perjury.

T:\FRC\MISC\3320Z.DOC (MRD97)

## **NOTICE REGARDING INSPECTION AND COPYING OF PUBLIC RECORDS**

The Eldorado Area Water & Sanitation District is a public body whose records are available for inspection and copying by the public, except as otherwise provided by law. Any person may submit to the custodian of the District's records an oral or written request to inspect or copy public records of the District. The request must identify the records sought with reasonable particularity. The person requesting records need not state the reason for inspecting them.

The District has the responsibility, upon request, to make its records available for inspection and copying, except as otherwise provided by law. In most cases, the District will provide the records requested within three business days following receipt of a written request. If it is unable to provide the records requested within three business days, the District will so inform the requester and will advise the requester when the records will be available, or will explain why the records requested cannot be made available.

### **Procedure for Requesting Records**

1. Requests to inspect or copy public records of the Eldorado Area Water & Sanitation District should be made to the Secretary of the District's Board of Directors and must provide the name, address and telephone number of the person making the request.
2. Requests should be delivered to the Secretary at the District's offices, 1 Hacienda Loop, Santa Fe, New Mexico 87508. Requests may also be made by telephone to: (505) 466-2411.
3. If the records sought cannot be made available for inspection immediately, the Secretary will so advise the requester and will make arrangements for their inspection at a mutually convenient time and place. Generally, the location for inspection will be the District offices.
4. The District will provide photocopies of its public records on request. The copy fee is \$.50 per page for documents 11 inches by 17 inches in size or smaller. The copy fee for documents larger than 11 inches by 17 inches will be the actual cost of reproduction. Payment is required in advance.

STATE OF NEW MEXICO

ELDORADO AREA WATER AND SANITATION DISTRICT  
RESOLUTION NO. 97-7-3

PROCESSING PETITIONS FOR  
INCLUSION IN AND EXCLUSION FROM DISTRICT BOUNDARIES

WHEREAS, section 73-21-23 NMSA 1978, prescribes procedures for landowners to petition the Board for inclusion of property into the District, and section 73-21-24 NMSA 1978, prescribes procedures for landowners to petition the Board for exclusion of property from the district and;

WHEREAS, section 73-21-23 NMSA 1978, states "...but the changes of boundaries of the District shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges thereof; nor shall it effect or impair or discharge any contract, obligating lien or charge for or upon which it might be liable or chargeable had any such change of boundaries not been made....." and;

WHEREAS, the petitioning process does impose financial expenses upon the District, the District taxpayers, and/or the ratepayers and;

WHEREAS, section 73-21-3 NMSA 1978, states the "Water and Sanitation Districts may be created for the purposes of A....., B....., C....., D..... E. all of such improvements in subsection A through D of this section or any combination thereof within or without the district."

NOW, THEREFORE, BE IT HEREBY RESOLVED that :

A. Any owner of real property that petitions the Board to have such real property included in or excluded from the District shall pay all costs incurred by the district to process such petition. Such costs shall include attorney fees, public notice fees, public hearing fees, reproduction costs and court filing costs. Such costs shall be calculated by the Board and billed to the petitioner at the time of processing of the petition. Such payment must be made by the petitioner before processing of the petition will be completed.

B. Inclusion of real property within the District does not obligate the District to provide any services to the property by reason of its inclusion within the District. Such services are conditioned upon the decision of the Board to provide such services and the availability of resources to the District to provide such services.

RESOLVED: in session this \_\_\_\_\_ day of August, 1997

GOVERNING BODY OF

Eldorado Area Water and Sanitation District, New Mexico

---

Richard F. Chenault  
Chairman and Board Member

---

Raymond L. Nichols Jr.  
Treasurer and Board Member

---

Donald A. Dayton  
Secretary and Board Member

**NOTICE OF FILING PETITION FOR ANNEXATION OF  
LAND INTO THE ELDORADO AREA WATER AND SANITATION DISTRICT**

Notice is hereby given by the Secretary of the Board of Directors of the Eldorado Area Water And Sanitation District that a Petition to annex certain lands into the Eldorado Area Water And Sanitation District has been filed with the Board. The names of the persons who have filed the Petition are:

James H. Karp, as agent for Michael L. Richter - 200-acre parcel

Los Altos General Partnership,  
Michael L. Richter, General Partner - 825-acre parcel

The lands are generally described as Lot 9B-5, Eldorado at Santa Fe and Lot 9A, Eldorado at Santa Fe. A copy of the legal description of the lands to be annexed may be obtained by any interested person during the regular business hours at the offices of the attorney for the Board, Frank Coppler, which are located at 645 Don Gaspar Avenue, Santa Fe, New Mexico.

The above-named Petitioners are requesting that the Board of the Eldorado Area Water And Sanitation District annex the lands above described into the District so that those lands can receive the utility services provided by the District. All persons interested in the above Petition are hereby given notice to appear at the Community Room of the Eldorado Community Center, located at 1 Hacienda Loop, Eldorado at Santa Fe, New Mexico on the 3rd day of December, 1997, at 7:00 p.m. Any interested person appearing who desires to protest the proposed annexation must show cause in writing, if any he has, why the Petition should not be granted. The Board shall at the time and place mentioned or at such time or times at which the hearing may be adjourned, hear the Petition and all objections made in writing thereto. Failure of any interested party to show cause why the annexation should not be approved will be deemed assent by such a person to the inclusion of the lands into District.

\_\_\_\_\_  
Secretary of the Board  
Eldorado Area Water And Sanitation District

Publish: November 7, 1997  
November 14, 1997  
November 21, 1997

# Appendix C



### 73-21-16. General powers.

For and on behalf of the district, the board shall have the following powers:

- A. to have perpetual existence;
- B. to have and use a corporate seal;
- C. to sue and be sued and be a party to suits, actions and proceedings;
- D. except as otherwise provided in the Water and Sanitation District Act [[73-21-1](#) to [73-21-54](#) NMSA 1978] to enter into contracts and agreements affecting the affairs of the district, including contracts with the United States and any of its agencies or instrumentalities. Except in cases in which a district will receive aid from a governmental agency, a notice shall be published for bids on all construction contracts for work or material or both involving an expense of five thousand dollars (\$5,000) or more. The district may reject any and all bids, and, if it appears that the district can perform the work or secure material for less than the lowest bid, it may proceed to do so;
- E. to borrow money and incur indebtedness and evidence the indebtedness by certificates, notes or debentures and to issue bonds in accordance with the provisions of that act;
- F. to acquire, dispose of and encumber real and personal property, water rights, water and sewer works and plants and any interest in them, including leases and easements;
- G. to refund any bonded indebtedness or revenue bonds of the district without an election in accordance with the provisions of that act;
- H. to have the management, control and supervision of all the business and affairs of the district and the construction, installation, operation and maintenance of district improvements;
- I. to hire and retain agents, employees, engineers and attorneys;

J. to have and exercise the power of eminent domain and dominant eminent domain and, in the manner provided by law for the condemnation of private property for public use, to take any property necessary to the exercise of the powers granted in that act, both within and without the district;

K. to construct and maintain works and establish and maintain facilities across or along any public street or highway and in, upon or over any vacant public lands, which public lands are now or may become the property of the state, and to construct works and establish and maintain facilities across any stream of water or watercourse; provided, however, that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be and shall not use the street or highway in such manner as to completely or unnecessarily impair its usefulness;

L. to fix and from time to time to increase or decrease water and sewer rates, tolls or charges for services or facilities furnished or made available by the district, including, without limiting the generality of the foregoing, standby charges for both water and sewers, and to pledge that revenue for the payment of any indebtedness of the district. Until paid, all rates, tolls or charges constitute a perpetual lien on and against the property served, and any such lien may be foreclosed in the same manner as provided by the laws of New Mexico for the foreclosure of real estate mortgages. The board shall shut off or discontinue service for delinquencies in the payment of the rates, tolls or charges or in the payment of taxes levied pursuant to the Water and Sanitation District Act [[73-21-1](#) to [73-21-54](#) NMSA 1978] and prescribe and enforce rules and regulations for the connection with and the disconnection from properties of the facilities of the district. For health and sanitary purposes, the board shall have the power to compel the owners of inhabited property within a sanitation district to connect their property with the sewer system of the district, and, upon a failure so to connect within sixty days after written notice by the board, the board may cause the connection to be made and a lien to be filed against the property for the expense incurred in making the connection; provided, however, that no owner shall be compelled to connect his property with such system unless a service line is brought by the district to a point within four hundred feet of his dwelling place;

M. to adopt and amend bylaws not in conflict with the constitution and laws of the state for carrying on the business, objects and affairs of the board and of the district; and

N. to have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this section. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of that act.

#### **4-53-8. Factors to be considered.**

A. Factors to be considered in the review of a proposal for creation, consolidation, merger or dissolution of a special district shall include but not be limited to:

(1) population; population density; land area; land use; per capita assessed valuation; topography, natural boundaries and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas during the next ten years;

(2) need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for such services and controls; probable effect of the proposed formation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas; and the probable effect of the proposed action on the total tax and indebtedness burden upon the taxpayers of the area;

(3) the effect of the proposed action, and of alternative actions, on adjacent areas, on mutual social and economic interests and on the local government structure of the county.

B. Any municipality, county or special district receiving notification of hearing to be held by the commission may:

(1) in the case of a petition for creation of a new special district indicate to the commission its willingness and ability to provide the service to be undertaken by the proposed district. The notification shall include references to appropriate statutory authority empowering the municipality, county or special district to assume responsibility for providing the service within the territory of the proposed district and shall include appropriate evidence of its financial ability to provide the services. It may also include reasons why it, rather than the proposed district, should provide the service.

(2) in the case of petition for the dissolution, consolidation or merger of a special district, submit to the commission its recommendations concerning such proposals. If the petition for dissolution, consolidation or merger is based upon a municipality, county or special district assuming the function undertaken by the subject special district, the notification shall include references to appropriate statutory authority empowering the municipality, county or special district to assume responsibility for providing the services with [within] the territory of the subject district and shall include appropriate evidence of its financial ability to provide the services. It may also include reasons why it, rather than the subject district, should provide the services.

### **73-21-3. Purpose of water and sanitation districts.**

Water and sanitation districts may be created for the purpose of:

- A. purchasing, acquiring, establishing or constructing waterworks to supply water for domestic, commercial and industrial purposes by any available means to persons within and without the boundaries of the district. For this purpose, any district has the power to extend its water lines outside the boundaries of the district for the purpose of securing a source of water supply or for the purpose of supplying the water to any lands of the United States, New Mexico or Indian reservations for use by any person, firm or corporation;
- B. purchasing, acquiring, establishing or constructing sanitary sewers or a system of sewage disposal, garbage or refuse disposal;
- C. purchasing, acquiring, establishing or constructing streets and street improvements, including without limitation grades, regrades, gravel, oiling, surfacing, macadamizing, paving, crosswalks, sidewalks, driveway approaches, curbs, gutters, culverts, drains, sewers, manholes, inlets, outlets, retaining walls, bridges, overpasses, tunnels, underpasses, approaches, artificial lights and lighting equipment, parkways, grade separators, traffic separators and traffic-control equipment and all appurtenances and incidentals or any combination of them, including real and other property for them;
- D. establishing or constructing park and recreational improvements;
- E. purchasing, acquiring, establishing, constructing or operating other public facilities or economic development projects; or
- F. all of the improvements in Subsections A through E of this section or any combination of them within or without the district.

#### **4-53-9. Multi-county special districts.**

In the event that the territory of any special district lies in two or more counties, proposals to create, or petitions to merge, consolidate or dissolve special districts shall be forwarded to commissions in each of the counties affected. The commissions shall within ten days agree upon a date and place for a joint public hearing and shall proceed jointly as otherwise directed by the Special District Procedures Act [[4-53-1](#) to [4-53-11](#) NMSA 1978], except that all time spans shall be measured from the date of the agreement.

**New Mexico Statutes Annotated 1978** **73-21-6. Petition.**  
(1985)

A. The organization of a district shall be initiated by a petition filed in the office of the clerk of the court vested with jurisdiction in a county in which all or part of the real property in the proposed district is situated. The petition shall be signed by not less than twenty-five percent of the taxpaying electors of the district, none of whom shall be an officer, director or shareholder of any business entity with an economic interest in the subdivision and sale of land within the district, provided that at the option of a county and, after adoption of a resolution by the county authorizing the filing of a petition, that county may file a petition which shall be signed by the chairman of the board of county commissioners. The petition and all other instruments relating to the formation of such districts shall be filed with the county clerk of the county in which all or the major portion of the proposed district is located.

B. The petition shall set forth:

- (1) the name of the proposed district consisting of a chosen name preceding the words "water and sanitation district";
- (2) a general description of the improvements to be constructed or installed within and for the district;
- (3) the estimated overall cost of the proposed improvements to be constructed or installed within and for the district;
- (4) an estimated time table for the completion of all intended improvements;
- (5) the need for the creation of the district and the construction or installation of improvements, stating the nature and extent of the anticipated use of the improvements by persons presently residing on land within the district, and the nature and extent of the anticipated use of the improvements due to future development;
- (6) a general description of the boundaries of the district or the territory to be included in it, with such certainty as to enable a property owner to determine whether or not his property is within the district;
- (7) the salary, if any, that the members of the board shall receive for their services; provided, however, that no member of the board shall receive a salary in excess of five dollars (\$5.00) per day for each day while in actual attendance upon his duties; and
- (8) a request for the organization of the district.

C. No petition with the requisite signatures shall be declared void on account of alleged defects, but the court may at any time permit the petition to be amended to conform to the facts by correcting any errors in the description of the territory or in any other particular. Similar petitions or duplicate copies of the same petition for the organization of the same district may be filed and shall together be regarded as one petition. All such petitions filed prior to the hearing on the first petition filed shall be considered by the court the same as though filed with the first petition placed on file.

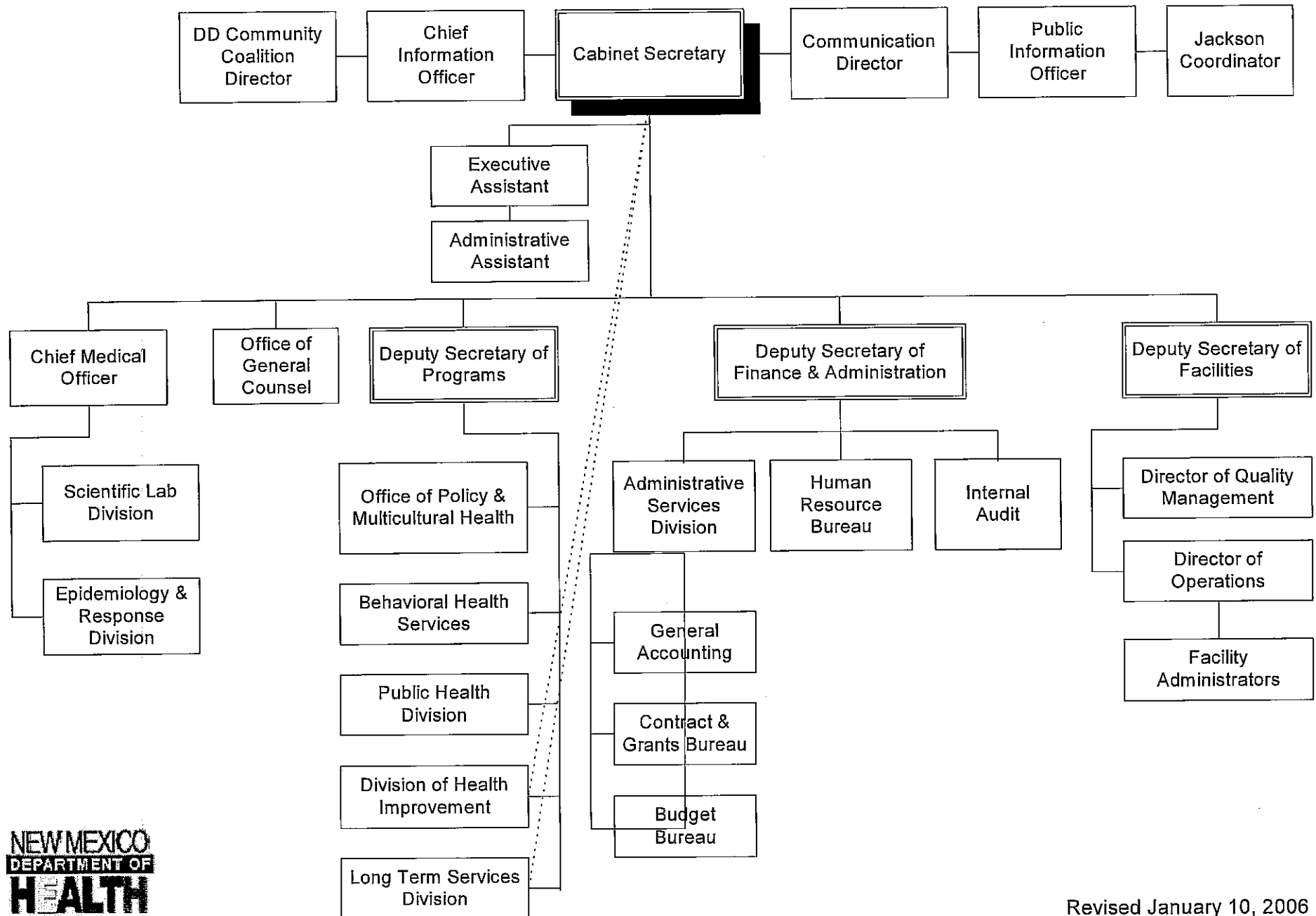
# Appendix D



<b>DISTRICT</b>	<b>DESCRIPTION</b>	<b>Nurse Manager</b>	<b>County</b>	<b>ADDRESS</b>	<b>ADDRESS2</b>	<b>PHONE</b>
1	Stanford Health Office	Bobbie Peppers	Bernalillo	1111 Stanford NE	Albuquerque, NM 87106	841-4100
1	ABQ SW Valley Health Office	Michelle Vogler	Bernalillo	2001 Centro de Familiar SW	Albuquerque, NM 87105	873-7477
1	ABQ NW Valley Health Office	Priscilla Pulakos	Bernalillo	7704 Second ST. NW	Albuquerque, NM 87107	897-5700
1	ABQ SE Heights Health Offic	Sally Kennedy	Bernalillo	7525 Zuni SE	Albuquerque, NM 87108	841-8928
1	ABQ NE Heights Health Offic	Carolyn Salazar	Bernalillo	8120 La Mirada NE	Albuquerque, NM 87109	332-4850
1	Gallup Health Office	Sally Vink	McKinley	1919 College Dr.	Gallup, NM 87301	722-4391
1	Bernalillo Health Office	Robyn Elliot	Sandoval	County Courthouse	Bernalillo, NM 87004	867-2291
1	Rio Rancho Health Office	Robyn Elliot	Sandoval	224-A Unser Blvd, SE	Rio Rancho, NM 87124	892-0990
1	Cuba Health Office	Patricia Givens	Sandoval	PO Box 880	Cuba, NM 87013	289-3718
1	Farmington Health Office	Kathleen Byrne	San Juan	744 W. Animas	Farmington, NM 87401	327-4461
1	Bloomfield Health Office	Melissa Charlie	San Juan	903 W. Broadway	Bloomfield, NM 87413	634-0229
1	Estancia Health Office	Audrey Rodriguez	Torrance	County Court House	Estancia, NM 87016	3842351
1	Moriarty Health Office	Deb Chambers	Torrance	P.O. Box 2460	Moriarty, NM 87035	832-6782
1	Los Lunas Health Office	Barbara Friedman	Valencia	1000 Main St. NW, Bldg #3	Los Lunas, NM 87031	8415323
1	Belen Health Office	Lupe Reynoso	Valencia	PO Box 686	Belen, NM 87002	8647745
1	Grants Health Office	Lou Mazon	Cibola	515 W High Street	Grants, NM 87020	285-4601
1	Alamosa Center Public Health Office	Susan Barker	Bernalillo	6900 Gonzales SW	Albuquerque, NM 87121	833-9950
2	Raton Health Office	Colleen Catanach	Colfax	226 East 4th St.	Raton, NM 87740	445-3601
2	Harding County Health Office	Colleen Catanach	Harding	County Courthouse	Roy, NM 87743	485-2484
2	Los Alamos Health Office	Peg Ickes	Los Alamo	3917 W. Road	Los Alamos, NM 87544	662-4038
2	Mora Health Office	Ginny Lopez	Mora	PO Box 187	Las Vegas, NM 87732	387-2748
2	Espanola Health Office	Annette Gonzales	Rio Arriba	Rt 3 Box 348	Espanola, NM 87532	753-2794
2	North Rio Arriba Health Office/WIC	Annette Gonzales	Rio Arriba	P.O. Box 250	Tierra Amarilla, NM 87575	588-7215
2	Las Vegas Health Office	Brenda Romero	San Miguel	18 Gallegos Rd	Las Vegas, NM 87701	4259368
2	Santa Fe Health Office	Estella Trujillo	Santa Fe	605 Letrado	Santa Fe, NM 87402	476-2690
2	Taos Health Office	Faustina Vigil	Taos	105 Albright St, Suite B	Taos, NM 87571	758-4719
2	Clayton Health Office	Jean Gonzales	Union	100 Court St.	Clayton, NM 88415	374-8393
3	Reserve Health Office	Cynthia Brooks	Catron	PO Box 256	Reserve, NM 87830	533-6432
3	Las Cruces Health Office	Alva Albersmeyer	Dona Ana	1170 N. Solano, Suite A	Las Cruces, NM 88001	528-5023
3	Anthony Health Office	Shirley (Pat) Brock	Dona Ana	865 North Main	Anthony, NM 88021	882-5858
3	Hatch Health Office	Maria Martinez	Dona Ana	112 West Railroad	Hatch, NM 87937	2675213
3	Sunland Park Health Office	Martha Burnett	Dona Ana	PO Box 390	Sunland Park, NM 88063	589-2543
3	Chaparral Health Office	Tina Bunton	Dona Ana	112 Lisa Box 104	Chaparral, NM 88021	824-3454
3	East Mesa Health Office	Maria Martinez	Dona Ana	5220 Holman Rd.	Las Cruces, NM 88012	3820540
3	Silver City Health Office	Chandra Heflin	Grant	2610 N Silver St.	Silver City, NM 88062	538-5318
3	Lordsburg Health Office	Leah Tolley	Hidalgo	500 East 13th St.	Lordsburg, NM 88045	542-9391

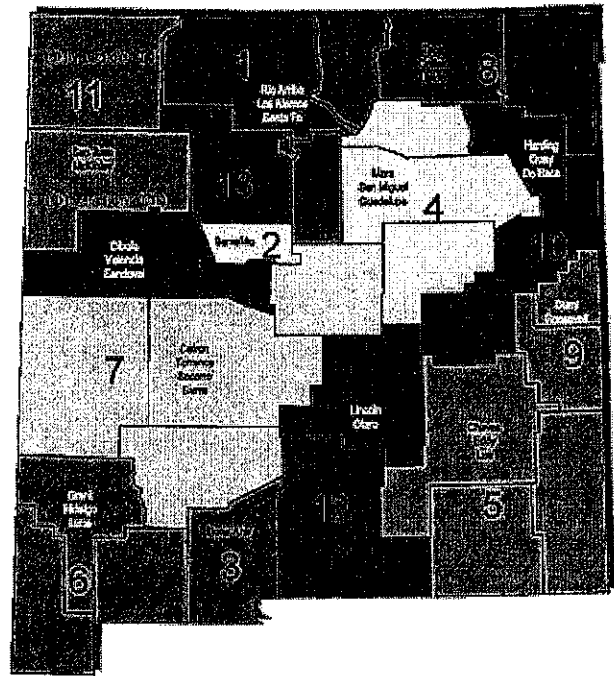
3	Deming Health Office	Elizabeth Morales	Luna	215 S. Silver	Deming, NM 88030	546-2771
3	Alamogordo Health Office	Linda Weiman	Otero	1207 8th Street	Alamogordo, NM 88310	437-9340
3	T or C Health Office	Marjorie Powey	Sierra	201 East 4th	T or C, NM 87901	894-2716
3	Socorro Health Office	Benita Cook	Socorro	214 Neel Ave. NW	Socorro, NM 87801	538-5318
4	Roswell Health Office	Becky Frosch	Chaves	200 E, Chisum	Roswell, NM 88203	624-6050
4	Dexter Health Office	Becky Frosch	Chaves	206 S. Monroe	Dexter, NM 88230	624-6050
4	Clovis Health Office	Gayla Jaquess	Curry	1216 Cameo	Clovis, NM 88101	763-5583
4	Ft. Sumner Health Office	Nancy Giannini	DeBaca	514 Ave. C	Fort Sumner, NM 88119	355-2362
4	Carlsbad Health Office	Anthony Landreth	Eddy	1306 West Stevens	Carlsbad, NM 88220	885-4191
4	Artesia Health Office	Anthony Landreth	Eddy	111 N. 1st St	Artesia, NM 88210	885-4191
4	Santa Rosa Health Office	Susan Oviedo	Guadalupe	117 Third St	Santa Rosa, NM 88435	472-3211
4	Hobbs Health Office	Debbie Vail	Lea	1923 N Del Paso, Suite B	Hobbs, NM 88240	397-2463
4	Lovington Health Office	Debbie Vail	Lea	302 North 5th St.	Lovington, NM 88260	397-2463
4	Carrizozo Health Office	Martha Ordorica	Lincoln	PO Box 128	Carrizozo, NM 88301	258-3252
4	Ruidoso Health Office	Martha Ordorica	Lincoln	105 Kansas City Road	Ruidoso, NM 88345	258-3252
4	Tucumcari Health Office	Dee Reed	Quay	402 Miel de Luna	Tucumcari, NM 88401	461-2610
4	Portales Health Office	Carol Morgan	Roosevelt	1515 W. Fir	Portales, NM 88130	356-4453

# New Mexico Department of Health



## NEW MEXICO'S THIRTEEN JUDICIAL DISTRICTS

**The State of New Mexico is divided into thirteen judicial districts; of which one, the eleventh, has two divisions. By clicking on each district, you can view more detailed information.**



[Home](#) | [AODA Established](#) | [Mission, Philosophy & Goals](#) | [Contact AODA](#)  
[State of New Mexico](#) | [Criminal Justice Links](#) | [Crime Victims Reparation](#) | [Victim Information](#)

Questions or comments are welcome and should be directed to the [WEBMASTER](#).

# NEW MEXICO DISTRICT ATTORNEYS DIRECTORY

## 1st JUDICIAL DISTRICT

**HENRY R. VALDEZ**, District Attorney

District Office Manager – Shirley Lujan

Fiscal Officer - Geri Mulligan

### Santa Fe County-Main Office

*Mailing Address:*

P.O. Box 2041

Santa Fe, NM 87504-2041

*Street Address:*

Santa Fe Law Enforcement Complex

327 Sandoval Street

Santa Fe, NM 87504

**Telephone: (505) 827-5000**

**Fax: (505) 827-5076**

### Los Alamos County

*Mailing Address:*

Use Santa Fe County Address

### Rio Arriba County

*Mailing Address:*

P.O. Box 1209

Espanola, NM 87532-1209

*Street Address:*

803 North Riverside Drive

Espanola, NM 87532

**Telephone: (505) 753-7131**

**Fax: (505) 753-7133**

## 2nd JUDICIAL DISTRICT

**KARI BRANDENBURG**, District Attorney

District Office Manager - Nivia Thames

Fiscal Officer -

### Bernalillo-Main Office

*Mailing/Street Address:*

520 Lomas NW

Albuquerque, NM 87102

**Telephone: (505) 841-7100**

**Fax: (505) 841-7015**

### Metro Division

*Mailing/Street Address:*

520 Lomas, NW

Albuquerque, NM 87102

**Telephone: (505) 841-7036**

**Fax: (505) 841-7076**

### Juvenile Division

*Mailing/Street Address:*

5100 Second St. NW

Albuquerque, NM 87102

**Telephone: (505) 841-7670**

**Fax: (505) 841-7676**

### **3rd JUDICIAL DISTRICT**

**SUSANA MARTINEZ**, District Attorney

District Office Manager - Kelly Kuentler

Fiscal Officer – Juliet Lucero

#### **Dona Ana County**

*Mailing/Street Address:*

201 West Picacho, Suite B

Las Cruces, NM 88005

**Telephone: (505) 524-6370**

**Fax: (505) 524-6379**

### **4th JUDICIAL DISTRICT**

**RICHARD FLORES**, District Attorney

District Officer Manager – Sonia Valdez

Fiscal Officer - Karla Martinez

#### **San Miguel County-Main Office**

*Mailing Address:*

P.O. Box 2025

Las Vegas, NM 87701

*Street Address:*

1800 New Mexico Avenue

Las Vegas, NM 87701

**Telephone: (505) 425-6746**

**Fax: (505) 425-9372**

#### **Mora**

*Mailing Address:*

P.O. Box 554

Mora, NM 87732

**Telephone: (505) 387-2278**

#### **Guadalupe County**

*Mailing/Street Address:*

237 South Fourth Street

Santa Rosa, NM 88435

**Telephone: (505) 472-3230**

**Fax: (505) 472-4393**

### **5th JUDICIAL DISTRICT**

**FLOYD D. "TERRY" HAAKE Jr.**, District Attorney

Fiscal Officer - Melissa Walterscheid

#### **Eddy County-Main Office**

*Mailing/Street Address:*

102 N. Canal Suite 200

Carlsbad, NM 88220

**Telephone: (505) 885-8822**

**Fax: (505) 628-8566**

#### **Lea County (Lovington)**

*Mailing/Street Address:*

100 N. Main-Lea County Courthouse

Lovington, NM 88260

**Telephone: (505) 396-7616**

**Fax: (505) 396-6313**

## **5th JUDICIAL DISTRICT (continued)**

**FLOYD D. "TERRY" HAAKE Jr.**, District Attorney

### **Chaves County**

*Mailing Address:*

110 E. 4th Street

Roswell, NM 88201

**Telephone: (505) 622-4121**

**Fax: (505) 624-0802**

### **Lea County (Hobbs)**

*Mailing/Street Address:*

801 N. Linam

Hobbs, NM 88240

**Telephone: (505) 397-2471**

**Fax: (505) 397-6484**

## **6TH JUDICIAL DISTRICT**

**MARY LYNNE NEWELL**, District Attorney

Fiscal Officer: Yolanda Villa

### **Grant County-Main Office**

*Mailing Address:*

P.O. Box 1025

Silver City, NM 88062

*Street Address:*

210 N. Cooper

Silver City, NM 88062

**Telephone: (505) 388-1941**

**Fax: (505) 388-5184**

### **Luna County**

*Mailing Address:*

P.O. Box 1798

Deming, NM 88030

*Street Address:*

108 E. Poplar

Deming, NM 88030

**Telephone: (505) 546-6526**

**Fax: (505) 546-0336**

### **Hidalgo County**

*Mailing/Street Address:*

300 S. Shakespeare

Lordsburg, NM 88045

**Telephone: (505) 542-3260**

**Fax: (505) 542-3258**

## **7TH JUDICIAL DISTRICT**

**CLINT WELLBORN**, District Attorney

Fiscal Officer: J.B. Mauldin

### **Socorro County-Main Office**

*Mailing Address:*

P.O. Box 1099

Socorro, NM 87801

*Street Address:*

301 Church

Socorro, NM 87801

**Telephone: (505) 835-0052**

**Fax: (505) 835-0054**

### **Sierra County**

*Mailing/Street Address:*

311 Date St.

T or C, NM 87901

**Telephone: (505) 894-9033**

**Fax: (505) 894-9034**

**7TH JUDICIAL DISTRICT (continued)**  
**CLINT WELLBORN**, District Attorney

**Torrance County**

*Mailing Address:*

P.O. Box 706  
Estancia, NM 87016

*Street Address:*

405 W. 5<sup>th</sup> St.  
Estancia, NM 87016  
**Telephone:** (505) 384-2800  
**Fax:** (505) 384-2390

**8TH JUDICIAL DISTRICT**  
**DONALD GALLEGOS**, District Attorney  
District Officer Manager – Suzanne Valerio  
Fiscal Officer – Brenda Trujillo

**Taos County-Main Office**

*Mailing/Street Address:*

920 Salazar Rd.; Suite A  
Taos, NM 87571  
**Telephone:** (505) 758-8683  
**Fax:** (505) 758-7802

**Colfax County**

*Mailing Address:*

P.O. Box 1414  
Raton, NM 87740

**Union County**

*Mailing Address:*

P.O. Box 642  
Clayton, NM 88415

*Street Address:*

200 Court Street  
Clayton, NM 88415  
**Telephone:** (505) 374-2569  
**Fax:** (505) 374-2179

*Street Address:*

200 N. 3<sup>RD</sup> St., 4<sup>TH</sup> Floor  
Raton, NM 87740  
**Telephone:** (505) 445-5516  
**Fax:** (505) 445-0737



## **9TH JUDICIAL DISTRICT**

**MATTHEW CHANDLER**, District Attorney

Fiscal Officer: Donna Muscato

### **Curry County-Main Office**

*Mailing Address:*

700 North Main - Suite 16

Clovis, NM 88101

**Telephone: (505) 769-2246**

**Fax: (505) 769-3198**

### **Roosevelt County**

*Mailing/Street Address:*

Roosevelt County Courthouse - Suite B-1

Portales, NM 88130

**Telephone: (505) 356-4434**

**Fax: (505) 359-3083**

## **10TH JUDICIAL DISTRICT**

**RONALD REEVES**, District Attorney

District Office Manager – Darla Alarcon

Fiscal Officer – Darla Alarcon

### **Quay County:**

*Mailing Address:*

P.O. Box 1141

Tucumcari, NM 88401

**Telephone: (505) 461-2075**

**Fax: (505) 461-3966**

*Street Address:*

300 South Third Street

Tucumcari, NM 88401

## **11TH JUDICIAL DISTRICT-DIV. I**

**LYNDY BENNETT**, District Attorney

Fiscal Officer – Kim Welch

### **San Juan County-Main Office:**

*Mailing/Street Address:*

710 East 20<sup>th</sup> St.

Farmington, NM 87401

**Telephone: (505) 599-9810**

**Fax: (505) 599-9822**

### **San Juan County-Sub Office:**

*Mailing /Street Address:*

3705 East Main Street

Farmington, NM 87402

**Telephone: (505) 325-6082**

**Fax: (505) 326-5850**

## **11TH JUDICIAL DISTRICT-DIV. II**

**KARL GILLSON**, District Attorney

Fiscal Officer - Liz Sanchez

### **McKinley County:**

*Mailing/Street Address:*

201 West Hill; First Floor

Gallup, NM 87301

**Telephone: (505) 722-2281**

**Fax: (505) 863-4741**

## **12TH JUDICIAL DISTRICT**

**SCOT D. KEY**, District Attorney  
Fiscal Officer – Frank Cavazos

### **Otero County-Main Office**

*Mailing/Street Address:*

Otero County Courthouse Room 301  
1000 New York Avenue  
Alamogordo, NM 88310-6998

**Telephone: (505) 437-3640**

**Fax: (505) 434-2507**

### **Lincoln County**

*Mailing Address:*

P.O. Box 893  
Carrizozo, NM 88301

*Street Address:*

300 Central Avenue  
Carrizozo, NM 88301

**Telephone: (505) 648-2383**

**Fax: (505) 648-2611**

## **13TH JUDICIAL DISTRICT**

**LEMUEL MARTINEZ**, District Attorney  
District Office Manager/Fiscal Officer – Filemon Gonzalez

### **Cibola County-Main Office**

*Mailing Address:*

P.O. Box 637  
Grants, NM 87020

*Street Address:*

515 West High Street  
Grants, NM 87020

**Telephone: (505) 285-4627**

**Fax: (505) 285-4629**

### **Sandoval County**

*Mailing Address:*

P.O. Box 669  
Bernalillo, NM 87004

*Street Address:*

1100 Montoya Rd.  
Bernalillo, NM 87004

**Telephone: (505) 867-2386**

**Fax: (505) 867-3332**

### **Valencia County**

*Mailing Address:*

P.O. Box 1919  
Los Lunas, NM 87031

*Street Address:*

543 Luna Ave. SE  
Los Lunas, NM 87031

**Telephone: (505) 865-9643**

**Fax: (505) 865-9657**

### **Sandoval County-Rio Rancho**

*Mailing/Street Address:*

4000 Southern Blvd. - Suite A  
Rio Rancho, NM 87124

**Telephone: (505) 896-3952**

**Fax: (505) 896-3954**

# ADMINISTRATIVE OFFICE OF THE DISTRICT ATTORNEYS

## **VICTORIA BRANSFORD, Director**

Office (505) 827-3789 Ext. 101  
Cell (505) 690-3163

### **Santa Fe - Main Office**

#### *Mailing/Street Address:*

1313 South St. Francis Drive  
Santa Fe, NM 87505  
Telephone: (505) 827-3789  
Fax: (505) 827-7578

#### **Kathy Romero, Fiscal Officer**

Office: (505) 827-3789 Ext. 102  
Cellular: (505) 470-6742

#### **Billie Hemperley, Personnel Administrator**

Office: (505) 827-3789 Ext. 104

#### **Patricia Barrera, Victim Notification Coordinator**

Office: (505) 827-3789 Ext. 103  
Cellular: (505) 690-9911

#### **Chris Chavez, Administrative Assistant**

Office: (505) 827-3789 Ext. 100

## **AODA COMPUTER STAFF**

### **Albuquerque Office**

#### *Mailing/Street Address:*

625 Silver Ave SW, Suite 190  
Albuquerque, NM 87102  
Telephone - (505) 247-2173  
Fax: (505) 242-3227

#### **Eddie Chavez, Information System Manager**

Office - (505) 247-2173 Ext. 101  
Cell - (505) 690-8427

#### **Dan Sessions, Database Administrator**

Office - (505) 247-2173 Ext. 102  
Pager - (505) 837-7094

#### **Daniel Calderon, IS Administrator**

Office - (505) 247-2173 Ext. 100  
Cell - (505) 690-5766

#### **Jeff Montoya, IS Administrator**

Office - (505) 247-2173 Ext. 103  
Cell - (505) 690-8428

#### **Lee Trujillo, IS Administrator**

Office - (505) 247-2173 Ext. 104